

BRAND'S LUNACY CASE

A

FULL REPORT

OF THIS

MOST INTERESTING AND EXTRAORDINARY INVESTIGATION;

INCLUDING

COPIOUS ANIMADVERSIONS

ON THE

PRINCIPAL ACTORS IN THIS DRAMA

TO WHICH ARE ADDED,

MANY OTHER IMPORTANT AND HIGHLY AFFECTING CASES, TOGETHER WITH
A HISTORY OF THE HORRORS PRACTISED IN PRIVATE MAD-HOUSES,
AND THE FRIGHTFUL POWER DELEGATED TO THE MAD-
DOCTORS OF THE 19TH CENTURY; WITH THE
NUMBER OF PAUPER LUNATICS IN ENGLAND:

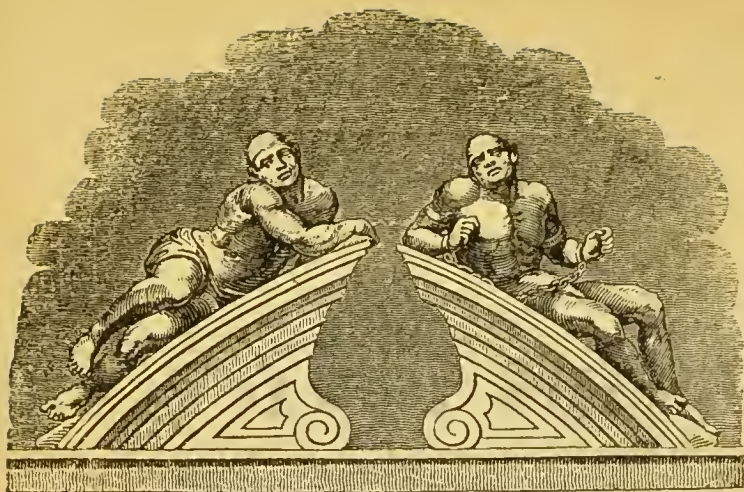
THE AUTHOR'S REPLY TO COUNSELLOR AUSTEN:

AND

Extracts from "Observations on Insanity,"

COMPRISING THE

SYMPTOMS AND TREATMENT OF THAT MALADY.



"BETHLEMI ad portasse tollit dupla columna,
 'Εικόνα τῶν ἐντὸς καὶ λίθος ἔκτος ἔχει.
 Hic calvum ad dextram tristi caput ore reclinat,
 Vix illum ad lævam ferrea vincla tenent,
 Dissimilis uror est Statuis, sed utrumque laborem,
 Et genium artificis laudat uterque furor."

At the gates of Bethlehem a double column rears itself, and the marble without represents the image of the innates. On the right one reclines his head, bald, with a sad visage; him on the left, iron chains scarcely hold. The statues exhibit different kinds of madness, but both give evidence of the labour and genius of the Sculptor.—TRANSLATION.

WRIT DE LUNATICO INQUIRENDO,

In the case of JOHN BRAND, late of Sutton, in the County of Suffolk, now of Parliament-street, in the County of Middlesex, ESQUIRE.

VERDICT—*Of unsound mind, without lucid intervals; and incapable of taking care of his person and property.*

Do not your juries give their verdict
 As if they felt the cause, not heard it?—*Hudibras.*

COMMISSIONERS.

Mr. PHILLIMORE. Mr. BLUNT. Mr. WHITMARSH.

Will not fear, favour, bribe, and grudge,
 The same ease several ways adjudge,
 As seamen, with the self-same gale,
 Will several different courses sail?—*Hudibras.*

COUNSEL FOR THE COMMISSION.

Mr. Sergeant TADDY. Mr. AUSTEN.

Cannot the learned Counsel here
 Make laws in any shape appear?—*Hudibras.*

Messrs. R. G. and H. BURFOOT, SOLICITORS.

FOR Mr. BRAND.

NOT A HUMAN BEING.

THE JURY.

- 1 W. CREIGHTON.
- 2 R. M'WILLIAMS.
- 3 J. HAYNE.
- 4 T. R. READ.
- 5 R. CARPENTER.
- 6 J. MANSFIELD.
- 7 J. JACKSON.
- 8 J. SIEVIER.
- 9 T. HODGKINSON.
- 10 S. O. BACON.
- 11 E. CHURTON.

- 12 J. SPICER
- 13 J. GREEN.
- 14 G. BARKE.
- 15 M. G. DUKE.
- 16 G. HORNLEY.
- 17 W. H. WHITLZ.
- 18 W. GROVES.
- 19 J. M. WHEELER.
- 20 J. NICHOLSON.
- 21 W. HUNT.

THE SANHEDRIM.

15
77

Αἱ τεχνῶν κενῶν ! φεῦ δόλων ἀναριθμήτων !
Oh empty quirks !—Alas ! countless quibbles !

BRAND'S LUNACY CASE.

A FULL REPORT

OF THIS

MOST INTERESTING AND EXTRAORDINARY INVESTIGATION ;

INCLUDING

COPIOUS ANIMADVERSIONS

ON THE

PRINCIPAL ACTORS IN THIS DRAMA.

To which are added many other important and highly affecting cases ; together with a history of the horrors practised in private mad-houses ; and the frightful power delegated to the mad-doctors of the 19th Century ; with the number of pauper lunatics in England ;

THE LATE LORD CHANCELLOR, AND MR. SUGDEN.

THE AUTHOR'S REPLY TO COUNCELLOR AUSTEN.

“ Oh ! major tandem, parcas insane minori !”
Thou mightest fool, inferior madmen spare !

EXTRACTS FROM “OBSERVATIONS ON INSANITY ;”

COMPRISING THE

SYMPTOMS & TREATMENT OF THAT MALADY.

BY CHARLES DUNNE,

MEMBER OF THE ROYAL COLLEGE OF SURGEONS IN LONDON ; OF THE FACULTY OF MEDICINE AT PARIS : EX-SURGEON IN CHIEF IN AFRICA : FORMERLY ACTING SURGEON TO THE BRITISH AUXILIARY CAVALRY, SERVING IN PORTUGAL AND SPAIN : AND OF THE MEDICAL STAFF, WEST INDIES.

Author des Reflexions sur l'homme—De l'homme considéré dans l'état d'aliénation mentale—and of the Chirurgical Candidate : dedicated, by permission, to his late Majesty.

LONDON :

PUBLISHED BY J. WARE, 162, FLEET STREET,

AND SOLD AT THE MODERN TIMES OFFICE, 21, PATERNOSTER ROW,
AND BY ALL BOOKSELLERS IN THE UNITED KINGDOM.

CONTENTS.

	PAGE		PAGE
Agis the Spartan	8	mured all night in a dungeon—	
Alexander the Great—Amilcar	7	thence carried to Tothill-fields	
Anderson, the bankrupt slanderer	102	prison ; released only to be man-	
Apollo, or Medical Censor	112	nacled in a strait-jacket by a	
Aristotle	21	mad-doctor and his keepers..	54
Atkinson, Apothecary in the York		Brand, Miss Mary, the evidence of	46
Asylum	116	—remarks on ..	84
Austen's (counsellor) summing up	67	Brewer, Mary, the evidence of ..	49
—stupid igno-		—remarks on	85
rance of good latin	99	Brodie, B. C. surgeon, evidence of	38
—resembles the		—remarks on	79
ass in the comedy of Gresset ..	106	Brook, Mr., the evidence of	48
—language		—remarks on	85
neither that of a Cicero nor a		Browne, carpenter, Westminster	111
Demosthenes	105	Burfoot and Co. attorneys for the	
Baobage, Chas. Esq. evidence of	44	commission	23
—remarks on ..	82	Burrowes, Dr.	114
Backhouse, a keeper in the York		Callicourt, Mr., the evidence of ..	48
Asylum	116	—remarks on	85
Bailey, Mr. the evidence of	48	Calthorpe, Harriet, the evidence of	63
—remarks on	85	Camberwell expedition	76
Baker, Mr. case of	114	Campbell, W. A. surgeon	
Baker, Ellen, the oyster girl of the		Case of a respectable tradesman in	
Old Bailey	110	the Strand	11
Bardwell, a patient, killed in the		Cashin, the Misses	104
York Asylum	117	Certificate, medical, for the recep-	
Barnard, Mr. evidence of	27	tion of a patient into a licensed	
—remarks on	73	lunatic house	
Barton, Mary, the evidence of	50	Chambers, T. surgeon	
—remarks on	85	Chancellor, late Lord	
Bates, —, a keeper in the		Charles XII.	7
York Asylum	117	— I.	8
Bella donna	note to 16	Clarke, Mr. Wm., the evidence of	62
Bennet, Hon. Hen. Gray	122	—, Richard, Esq., Chamber-	
Best, Dr. Charles, of York	118	lain of London	123
Best, Mr. Justice,	102	Commission of Lunacy	23
—'s knowledge of		Commissioners	23
chemistry	103	—, the visiting, <i>note to</i>	13
Bierton, Mary, evidence of in		Cooke, Bryan, Esq., Magistrate of	
Miss Scott's case	113	the West Riding of York	118
Birnie, Sir Richard	96	Coope, Mr. J., the evidence of ..	51
Brand's (Mr.) letters, copies of, 53—	93	—remarks on	85
—'s admirable and phi-		Cooper, Mr. and Mrs., evidence of	45
losophical address to the Jury	35	—remarks on	84
—'s cross examinations		Crowther, Surgeon to Bedlam ..	122
commence at	26	Counsel for the Commission	23
—violent and unconsti-		Daentry, Anne, case of, <i>note to</i> 12,	112
tutional attempt to seize, with-		Davies, Mr. case of	12
out a warrant	40	—, Mr. John, the evidence of	31

	PAGE		PAGE
Davis, Mrs. Julia, remarks on ..	84	Harris, Nathaniel, remarks on ..	84
Davy, John, the evidence of	44	Haslem, J. Apothecary at Bedlam	121
Domet, Mr. N. the evidence of ..	48	Hearn, Mr., evidence of	44
——— remarks on	85	——— remarks on	83
Doughty, Emma, the evidence of	45	Herodotus	20
———, remarks on	84	Higgins, G. Esq., a Governor of the York Asylum, examined ..	116
Dunne, C. surgeon evidence of ..	52	Hippocrates	16
———, remarks on	86	Holwell, Mr.	126
———'s, extract from his work on Insanity, refused to be received by the Court	56	Horne, Mr. W., evidence of	63
——— Reflections on Insanity and its rapid progress amongst all classes in Britain, by <i>in note to</i>	80	Hughes, Mr., evidence of	28
———'s Letter to S. A. Lowd- ham, Esq.	92	——— remarks on	74
———'s Reply to Counsellor Aus- ten's summing up	95	Hunter, Dr.	117
Dunsford, Mr. evidence of	47	Insanity, to what species of, differ- ent nations are subject	18
———, remarks on	85	Insanity, innate	112
Dunstan, Mr. Thomas, Master of St. Luke's.	123	Introduction	5
Esquirol	note to 17	Irvine, Mr., evidence of	38
EVERY MAN HAS HIS DERANGED INTERVALS	7	——— remarks on	79
Ex-King of France	7	Jehn, Elizabeth, evidence of	51
Exelby, Dorothy, a patient in the York Asylum	117	Jews	20
F——, Mr. son of the eminent and worthy town clerk of <i>note to</i>	13	Jodrell, Mr., of Portland-place ..	107
Fairhead, Tyrrell, the evidence of	51	———, Richard Paul, his son	110
———, remarks on ..	85	Jones, apothecary, trial of	
Fido, Charlotte, the evidence of, in the case of Miss Scott	112	Jury, a, should be composed of at least half medical men in lunacy cases	101
Forbes, Elizabeth, Matron in Bethlehem Hospital	121	King v. Elliot	note to 12
Forestus	16	La Bruyere's, opinion of lawyers	100
Frankum, R. surgeon		Langstaff, G.	121
Fraser, Wm. evidence of	42	Lawrence, W. surgeon of Bar- tholomew's Hospital	120
——— remarks on	81	Letter from Sutton, illustrative of the feeling in that part of the country respecting Mr. Brand's case	note to 69
Garnham, Mary Ann, evidence of	28	Lloyd, Mrs.	
——— remarks on	73	Long, Mr. St. John, <i>alias</i> Dr. St. John, <i>alias</i> Singeing, the Quack	104
Gorton, Mr. evidence of	45	Louis XVI.	8
——— remarks on	84	Lunatics, total number of, in the the British Empire <i>note to</i>	6
Gretry	20	Mad-houses, private, number of, in England	note to 68
H——, Mr. Orator, the brother of	14	——— list of, and their keepers	132
Hall, —, evidence of	49	———, cruel treatment of patients confined in	14
——— remarks on	85	———, number of pauper patients in England and Wales	124
———, T. Solicitor, evidence of ..	63	Madness, every man is born with a portion of, in his composition	112
——— remarks on	84	———, genera and species of	59
Handsome, Mr., patient in the York Asylum	117	———, the cause of	9
Hannibal	7	———, contagious	19
Harrington, Robert, evidence of	61	———, peculiar, of European Women	19
Harris, Henry, evidence of	33	Mandell, Mr. of Doncaster	117
——— remarks on	77	Marchant, Mr. Le, evidence of ..	26
Harris, Mr. and Mrs. evidence of	39, 40	——— remarks on ..	73
——— remarks on	79, 80	Marriot, Mr., evidence of	52
Harris, Nathaniel, the coffee-house			

	PAGE		PAGE
Mathew, Mr. F., evidence of	48	'Ran des Vaches'	20
———remarks on	85	Remarks on the testimony of the	
Matthews, Sarah, the evidence of	61	witnesses in Mr. Brand's case..	69
———, Henry, the evidence of	62	——— in Miss Scott's case	113
———, J. Tilley, case of 58,100,	120	R——ds, Mr., from Birmingham	13
Mercier, Francis, the evidence of	49	Romans	20
———remarks on	85	Samler, Mr., evidence of.	51
———, Mrs., the evidence of . .	62	———, remarks on	85
Mercury and the Ghost of a Quack		Samuta, Ephraim, evidence of . .	38
Doctor, a dialogue between . . .	104	———, remarks on	79
Merewether, Mr. Serjeant	107	Scott, Miss Eliz., case of.	112
Metropolitan Commissioners . .	130	——, Miss Hen. Ann, evidence of,	
Miles, James, evidence of	30	in Miss Eliz. Scott's case. . . .	113
———, remarks on	74	Shadwell, Mr. Launcelot	108
Miles, Sir Jonathan, his mad-		Shakspeare's Gyve	117
house at Hoxton	123	Shorey, the Rev. Mr., a patient in	
Mills, the widow	109	the York Asylum	117
Monro, Dr. Thomas, Physician		Simmons, Mr. Samuel, evidence of	47
to Bethlehem Hospital	122	———, remarks on	85
Moody, Mr., the evidence of . . .	63	Slaney, Mr., Furnival's Inn . . .	109
———, remarks on	86	Smith, J. surgeon, evidence of . .	68
Murat of Naples	8	———, remarks on	86
Music, its powerful effects on		Smith, Wm., Esq.	123
various diseases	20	Socrates	7
Newton, Mr., confined for an as-		Spankie, Serjeant.	106
sault, and refused bail by Sir		Spinkwell, lunatic-house at . . .	118
Richard Birnie	96	Stephens, Mrs., evidence of . . .	45
Nodder, Mr. B. R., evidence of . .	30	———, remarks on	84
———, remarks on	74	———Mr. and Mrs. evidence of	66
Norris, Wm., the cruel treatment		———, remarks on	86
of in Bethlehem Hospital . . .	119	———, Hannah, evidence of..	67
Observations on the infamous		———, remarks on	86
practice of immuring men on		Sterne	93
the certificate of two mad-		Stone, Miss, a patient in Bethlehem	122
doctors	5, 69	Stowel, Lord	98
O'Connell's, Daniel, Esq. M. P.		Sugden, Mr. late Sol. General . .	
opinion of the Premier's intel-		Sutherland's, Dr., testimony in	
lectual faculties note to	96	opposition to nearly 50 witnesses	
"Omnes homines insaniunt," the		(Brand's case)	39
Counsellor versus	99	———, remarks on	79
Orton, Chas., evidence of	33	Sutherland, Dr., examined before	
———, remarks on	77	the House of Commons	123
Paris, Dr., evidence of.	32	Sutton, an Attorney, struck off the	
———, remarks on	75	roll	96
Parish Rates	109	Taddy, Mr. Sergeant	25
Park, Mr. Justice	103	———, remarks on	72
Pausanias	20	Tarantula note to	20
Paynter, Mr., evidence of	25	Thirkell, Mr., a patient killed in	
———, remarks on	72	the York Asylum	117
Pelit, Mary, evidence of	27	Tilley, Thos., evidence of	49
———, remarks on	73	———, remarks on	85
Petition to Parliament to restrain		"Times," extract from	
quackery	101	Tuthill, Sir G., evidence of and	
Petition, Mr. Brand's, to the Lord		remarks on	74
High Chancellor	90	———, evidence of, in Miss	
Phillimore, Chief Commissioner,		Scott's case	113
the "Verdict very satisfactory,"	68	———'s definition of mad-	
Piddington, Mr. J., evidence of . .	52	ness	97
———, remarks on	85	Vance, G. surgeon	
Powel, Dr. Richard.	124	Veitch, Dr. James	123

	PAGE		PAGE
Vickers, a patient in the York Asylum	117	Wilson, Mr., patient in the York Asylum	117
Wakefield, Mr. Edw., land-agent in Pall-mall	118	Wood, Alderman, M.P. evidence of	42
Wakiey, Mr., of the Lancet	100	———, remarks on	81
Wallat, George, Steward at Bethlehem Hospital	121	Visit to Camberwell—"mis hors de combat"—confronted with Mr. and Mrs. Harris of Camberwell	80
Women of all countries, peculiarities of the	19	——— their testimony contrasted	
Ward, Wm. M.P., evidence of ..	63	Wood, Mr. John, solicitor, evidence of	43
Weir, Dr. John, Inspector of Naval Hospitals	123	———, remarks on	82
Wellington, the Duke of, confessions of	96	Wood, Mr. W. P., evidence of ..	45
West, Eliz., a patient in the York Asylum	116	———, remarks on	84
Western, C. C., Esq.	123	Wright, Mr., evidence of	49
White House at Hoxton	9	———, remarks on	85
Willis, Dr.,	14	York Asylum, the crimes and horrors of the	116

MR. BRAND'S LUNACY CASE.

Every man has his deranged moments ; in fact, an uniformly cool and sedate reign of reason, is rather an artificial than a natural state of the order of the human mind.

WITHIN these few years, the political and medical world have been engaged, equally, in the consideration of madness ; and though, at all times, an interesting subject, it has become doubly so from that period when the poor man, Davies, who had been for nearly a fortnight exposed to the misery of an investigation before a commission of lunacy, as to whether he was or was not a lunatic, has at length been declared, by a unanimous verdict of the jury, to be of " perfectly sound mind, and fully capable of managing himself and his affairs," although so many of the " mad doctors " of our metropolis had sworn to the contrary !

" Is it," inquires an able journalist, " the law of the boasted land, that any one of us may be seized by a pair of ruffians, under the warrant of a mad-doctor,—immured in that den of abomination called a mad-house,—compelled to see a score of medical men,—to be insulted by long strings of questions, framed so as to provoke the soundest mind and the most patient temper,—the answers, let them be gentle, resentful, or pathetic, twisted by these presumptuous, and, from their contradictory statements, evidently ignorant persons, into so many proofs of insanity, on which a man is to be despoiled of the fruits of his industry, and plunged for life into that hopeless prison, which is calculated to unsettle the steadiest intellect, and to inflict on the most cheerful spirit, agonies, the description of which by those who have endured them, it is almost impossible for any humane heart to bear ?

The melancholy fact is, that your thorough-going mad-doctor takes for granted that hardly any one is sane. We shall not allude to individuals; but it is clear from the testimony of some of the witnesses examined on this deplorable inquest, that there are professional men to be found who will swear the most natural and reasonable action to be conclusive evidence of the worst kind of lunacy, and from whose gripe, if once within it, there would, for the strongest-headed men in England, be little or no prospect of release."

Yet, that no man is wise at all times, is a maxim not to be shaken; and that insanity is more prevalent in England than in any other country on the earth, is equally a truth. I have long since, in my work on insanity, read in the Institute of France,* proved these facts,—and the following returns, lately made by a gentleman of celebrity, of the numbers afflicted with this malady in the united kingdom, not only confirm my assertions, but prove that the disease is become national, and in very many families hereditary to an alarming extent†.

If, indeed, we are to enter coolly into a review of human nature, and judge of mankind solely by their actions, we might be apt to infer that

* "INSTITUT DE FRANCE. Academe Royale des Sciences.
" Paris, 8 Juin, 1818.

" Le secrétaire perpétuel de l'Académie pour les sciences mathématiques à M. Charles Dunne, Membre du College Royal des Chirurgiens de Londres.

" L'Académie a reçu, Monsieur, l'ouvrage, que vous avez bien voulu lui adresser, et qui est intitulé : "*An Essay on Insanity.*" Elle me charge de vous remercier de l'envoi de ce travail intéressant, qu'elle a fait déposer honorablement dans la bibliothèque de l'Institut. Recevez, je vous prie, Monsieur, l'assurance de ma consideration la plus distinguée. " DELAMBRE."

† The total number of convicted lunatics (to say nothing of those at large) and idiots in England is, lunatics, 6,806; idiots, 5,741; total, 12,547. Allowing for defective returns, he thinks 14,000; being about one to every 1,000 of the population. In Wales the numbers are, lunatics, 133; idiots, 763; total, 896. Being one to every 800 of the population. In Scotland, in 1821, the number of insane persons was 3,652, being about one to every 574 of the population.

EVERY MAN HAS HIS DERANGED INTERVALS. That it is only the pressure of circumstances that prevents them more frequently breaking out; and that, in fact, a uniformly cool and sedate reign of reason is rather an *artificial* than a natural state of the order of the human mind.

Can we conceive, for instance, a more just picture of madness than that displayed in the conduct of most of the great conquerors, both in ancient and modern times, who by their cruel tyrannies and ravages have subdued and annihilated half the population of the globe?—witness the wild ferocity of Alexander, when he burned the temple, and afterwards slew his favourite and friend:—witness the dark and obstinate revenge of Amilcar, when he endeavoured to impress that dreadful attribute on his son Hannibal, a child, by swearing him to it, at the sacred altar:—witness, in modern times, the cool and determined obstinacy of Charles XII. during his residence in Turkey, when he abandoned every thing to his sense of revenge:—view, at the bold extravagancies of that man, who, on ascending the throne of France, had changed the face of Europe, and by a fiery system, unpractised before, rendered every power subservient to his desires:—view, at the present moment, the ex-king just arrived in this country, who paid 50 francs each to his soldiers to murder his subjects! But if individuals are thus distinguished by their departure from the standard of what mankind, in their reflecting moments, consider as just and proper rules of proceeding, are not whole nations, at times, guilty of the same extreme of conduct? Can we form any other conclusion, when we see a Socrates given up to popular indignation?—when the meek Saviour of mankind is made a victim to popular frenzy, and hangs bleeding and extended on the cross!—when we see the wearers of crowns dragged, at times, from their

palaces to the scaffold, as in the case of Agis the Spartan, Charles of Britain, Louis XVI. of France, and Murat of Naples.

That these are periods of madness, and shew a wild derangement and aberration of a whole people, is confirmed, when we find the same people and nation, but a few years afterwards, deprecating their own acts; punishing the most guilty of their own number; and, in their lucid moments, ashamed of the cruelties and extravagancies into which they had been unguardedly hurried. But the madness of nations, compared with that of individuals, is but short-lived—the excesses of the latter are more frequent, and of more consequence, as they are generally carried to more culpable lengths.

Madness is not only itself the most lamentable and formidable disease we know, but it is also often apt to be feigned, for sinister and wicked purposes, or to evade the punishment due to crime. The distinction, therefore, between real and feigned madness, I have endeavoured to fix in a distinct and clear manner; it requires for this purpose, minute observation of the individual and his conduct for some little time, in order to ascertain, with certainty, the difference. No one can continue always, or even for a length of time, to act a feigned part—he must be occasionally off his guard, when the deception will be apparent, and admit a complete detection.

That every man HAS HIS DERANGED MOMENTS, in a greater or less degree, I have already stated, “*omnes homines insaniunt;*” vide *sat. Horace*;—and of these advantage is too frequently taken, by interested and designing relatives or others, on unhappy and unprotected individuals, for the most selfish and nefarious purposes. Trials in the Court of King’s Bench frequently occur, where sane persons have been immured, even for years, in those houses appropriated to lunatics, and only

gain their freedom by some fortuitous circumstance, that has discovered their real situation. Hence, the necessity that certificates of lunacy should only be granted by the most respectable authorities, and particularly by at least twelve members of the highest respectability of the medical and surgical colleges; and not as at present by one individual, perhaps the most illiterate and worthless among those assuming the medical character: for as the law now stands, it is only necessary to acquire even a certificate of a country apothecary, (of which we have had several instances) to immure for life, in the worst of prisons, any individual, however respectable and sane, under the plea of insanity, when interested motives can have an opportunity of swaying mercenary and mendicant practitioners, who are base enough to conspire, with still more base and mercenary relatives, to consign such persons to dungeons and to oblivion for their lives. Nay, the following scene of barbarity has been proved before the House of Commons, unparalleled in modern times. The paupers confined in the Golgotha, termed the **WHITE HOUSE**, at Hoxton, were confined in cribs, by **IRON CHAINS**, **PADLOCKED**, from Saturday till Monday throughout the year; whilst the benevolent proprietor, who had been for half a century amassing enormous wealth at the expence of these **MALHEUREUX INSENSES**, considers his visits of one hour's duration, (when examined before the committee of the House of Commons) and but twice in the week, and sometimes not for months, a sufficient discharge of his duty!!!

The cause of madness, and its frequency in this country, is perhaps not well accounted for; though the unbounded freedom of speculation, in all the concerns of life, has been urged as one great source of it. Of all the diseases to which humanity is subject, it is that which may be considered as our

most degraded state: the boasted superiority of our mental powers is then at an end; and man, the pride and envy of creation, stands in the same scale with the lowest of animated beings. In vain has anatomy tried to trace the change which thus reduces him to such an inferior situation. It is too trifling for the knife to detect, or for the reasoning of the physiologist to account for. That there is, evidently, a weakened state of the circulation of the brain, all the symptoms confirm; and that these minute ramifications, which carry forward their streams with vigour and energy while in health, have their contents accumulated, and are unable to propel their fluid with their usual power and effect. A weakened circulation of the brain, then, rather than any permanent organic change, is in most cases to be considered as the proximate cause of that state which we term *insanity*; and in the application of remedies, this state is to be particularly kept in view.

Different from all other diseases, an unhappy prejudice attends this, which subjects the unfortunate victims to be, in some sort, when once said to be attacked by it, outcasts from society. And it is too much believed and generally inculcated, that a person once insane is always after liable to a relapse, and therefore never to be trusted. The consequences to which this prejudice leads have been productive of great evils in society. The unhappy person is generally, on this account, soon forsaken by his friends; and, after a few attempts to relieve his malady at home, should they prove ineffectual, he is then consigned to one of those houses, licensed under the authority of commissioners of lunacy. In sending him to a mad-house he is put under the care or guardianship of the family apothecary; and previously to that event, on the belief he is never to be better, his family concerns are so arranged that he is no longer expected

to resume the management of them. Thus a separate interest is formed, and it is the advantage of all parties that he continue in the state into which he has unhappily fallen. In lodging him in the madhouse, the apothecary has the selection of one agreeable to himself, and one with which he has generally some connexion. Though medicine is seldom given in such places, his bill is regularly made out, and paid by the friends, being previously certified, if necessary, by the keeper of the house. The mischiefs, then, to which this system leads, is incalculable; it is seldom the wretched prisoner escapes from the hands into which he thus falls; though occasionally a case of this kind meets our attention in a court of justice.

A few years ago a very flagrant instance of this kind happened to a respectable tradesman in the Strand, which ended in an action at law before he was liberated from his confinement. We mention this case out of many hundreds of others in our possession. Some distressing affairs in business had so preyed upon his mind as to give it that restless and uneasy state, which could only be occupied with its own sensations and feelings. Domestic animosity had for some time prevailed betwixt him and his helpmate; and of this situation of her husband she took an undue advantage, assisted by her medical friends, to lodge him in a mad-house, where she expected to have immured him for life. To this place he was conveyed by an officious friend, under the pretence of a country excursion; and once lodged within its walls, it was in vain to protest his sanity, or expect liberation, but through the same influence that had placed him in that situation. His absence, however, excited the interest of some friends in his favour; and, on learning his place of confinement, they determined to ascertain his real state. A discovery soon took place. His wife and her co-

adjutors obstinately refused his liberation; and till an action was brought, and his sanity shewn in court to the conviction of the judge, no hope of escaping from his confinement was afforded him.*

The case of Mr. Davies, the merchant in the city†, already noticed, and fresh in the minds of Englishmen, requires no observation here; it has marked an indelible infamy on the front of its authors never to be effaced. We beg, however, to observe, that of all diseases real madness is the most to be lamented, as shewing human nature in its degraded state; and levelling even the monarch himself with the lowest rank of the creation.—Certain peculiarities attend this distemper different from most others:—it transforms the very feelings and affections of the individual—every thing is seen and felt through a new and false medium. His nearest and dearest ties, contrary to what nature inculcates in every breast, instead of being the ob-

* King *versus* Elliot and his wife, *Hicks's Hall*, November, 1821.—The defendants in this prosecution were indicted for a conspiracy against Anne Daentry, the aunt of the wife. This old woman, being possessed of some property, had been induced to leave her own house and reside with them. In order to come at her effects, they contrived, by the assistance of an apothecary, who gave a certificate, to get her confined in a mad-house at Hoxton. Here she continued a considerable time, till she was fortunate enough, by her cries from an upper window, to attract the notice of a passenger who knew her, and gave information where she was. To the conviction of the court, her sanity was proved by a numerous acquaintance, who all came forward on the occasion, and stated, from their knowledge of her, that she never had laboured under any malady of the kind.

The name of the apothecary who gave the certificate for the reception and detention of Anne Daentry in a mad-house, was Mr. Parkinson, of Hoxton. The opinion of the Jury, and the strong evidence in respect to the sanity of this person, ought, certainly, to make this gentleman feel awkward on the occasion. What renders it worse, is, that Mr. Parkinson acknowledges he was *attendant* apothecary to the mad-house; consequently he must have had opportunities of seeing this person in every state which could lead him to the full knowledge of her sanity or not. Mr. Parkinson's judgment seems to have been deficient on this occasion, for he had not made a distinction between the violence attending *bad usage* and the *real state* of mental derangement. In this conclusion, from the evidence on the trial, we are certainly warranted.

† It is true, that in the memorable South Sea year, so famous for the good fortune of some, and the ruin of others, furnishes us, with a striking example, that madness is as often the effect of immoderate joy, as of anxiety and grief:—for it is well known that many city merchants, desperate adventurers, who became enriched from that scheme, soon afterwards, as well as those that were ruined, lost their reason; and ultimately became the inmates of a mad-house.

jects of his confidence and regard, are viewed with jealousy and abhorrence; hence the disease impresses, in its turn, the fear of the individual—he is generally, for a certain time, forsaken by his relatives, who consider his case as incurable, and wish to lose sight of a being in this unhappy situation. Thus the miserable person is immured in that living Golgotha termed a mad-house;—where under the superintendence, perhaps, of some worthless uneducated apothecary, he is allowed to linger out his days in silence and solitude, unheeded and forgotten:—to which no exception need be made, even in the case of royalty itself.* Such

* If indeed there is in the breasts of men one sacred spark of love, humanity, or pity it will be called forth for helpless beings, lashed and tortured by fellows deserving of a gibbet; and where, both by men and women, deeds are done that shun the face of day, and enormities practised that cry aloud to heaven for vengeance.

In fact, I doubt not, all will agree with me in opinion, that these “lawless houses under the law,” should be done away with entirely, as a disgrace to human nature. The angel of death moves through them with secret and murderous strides; like Dr. Sangrado’s patients in “*Gil Blas*,” all that *die* are wrote down —“cured!”

The visiting commissioners are not to blame if they make good reports of mad-houses, as they are deceived. A week or two before their visitation, the patients are better fed, and more kindly used. The proprietor himself sometimes dines with them in the parlour, in order that he may say—“Oh, the patients live so well, I frequently dine at their table from choice!” The house is moreover cleaned, and new clothes distributed to those in rags; so that to outward appearances, the physicians are satisfied. If any poor wretch (confined and in his senses) dare complain, a score of keepers and keeperesses,—that is, rogues and prostitutes, are ready to testify that it is only a “lucid interval.” If the poor fellow becomes enraged at these falsehoods, as it is natural he should be, it is immediately set down as a proof of the keeper’s assertion! A proof of this is to be had in the case of a Mr. R——ds, from Birmingham. He was a young man of considerable mercantile knowledge, and had been extensively employed abroad for the house of H—— and Co., Sir T——— Co., &c. He wrote a political pamphlet, and the —— had him incarcerated as a lunatic; the certificate of his insanity being signed by a physician who never saw him till long after he was confined—an infamous, but a common practice! This unfortunate young man remained there for years, but he found means to make some disclosures out of doors as to in-door concerns of —— mad-house, which made the owner glad to set him at liberty.

A Mr. F., son of the eminent and worthy town clerk of ——, got tipsy, and wasted considerable sums of money; he was seized upon by those interested in his seclusion; his absent father was persuaded, by letters, of the truth of his son’s insanity, and consented to his being locked up in a private mad-house. For a time the young man was very low, and made every effort to be released from his dungeon, but the proprietor was too well paid for the hire to leave a hole in the cage by which it could escape. Young F. saw this, and in time became reconciled to be a jail-bird; he had a room assigned him, a servant to attend upon him,

being the forlorn state of so large a portion of society, it is certainly an imperious duty of the metropolitan commissioners of lunacy, to whom the power of visiting those receptacles of insanity is intrusted, to make the treatment of it their chief study. To attend daily, or at least weekly, in regular rotation, these cemeteries of vanished reason and recollection, and to recall, by every means which experience and science can suggest, the reign of mental purity from its unhappy aberration, and make the individual once more himself.

The means of doing this are varied much, at different periods, since the time of Dr. Willis, the once successful attendant on royalty. Low diet and coercion, as stated by me in another publication, have formed a favourite system of practice; and the patient, worn out by these means, has regained a state of imbecility; shewing occasional

wine, and other luxuries; among which, last, though not least in a young prisoner's estimation, he had the under house-maid, Ann, to make his bed, and share it with him! Thus was the young man's mind contaminated; and if they did not, according to their motto as before stated, "drive him mad," they plunged him into such a state of sensual debauchery that was, perhaps, worse than a dereliction of understanding; and his conduct served his keepers with plausible reasons to convince his friends that he was an object fit for confinement. Let any one pause for a while upon this revolting picture, and say what he deserves who furnished materials for such a painting. Can the thing be worse? probably, reader, you may, in your shallow judgment, think it impossible to render it more deplorable;—you know not one-tenth of the horrors these receptacles for crime inflict upon the mind and body! The young man had a *wife* and a *child*, whom he tenderly loved; and he was made to believe that his wife was the cause of his confinement! when, in fact, she, at the distance of two hundred miles, was made to believe her husband to be insane, from the circumstance of his slothful, drunken, lascivious, and debauched rioting in a harlot's embraces, enfeebling both his body and his soul.

We shall finish the portrait, by observing that the brother of Mr. Orator H. who was confined in one of these diabolical establishments, was actually employed to clean boots, shoes, and knives, and to wash dishes, in order to cure him of insanity!!!

It is a well-known fact, that females are equally subject to this horrible treatment of their keepers. These villains almost always rob them of all they bring with them into the mad-house, even to their clothes, and whenever a relative is expected, they often dress the patient in rags, in order to have more clothes ordered. If the unfortunate female should make any observation as to this treatment, the common custom of these houses is resorted to, that is, to drag her about the room by the hair, and beat her head against the wall, and then tie her legs, flog her as children are flogged at school, often in the presence of half-a-dozen monsters in the shape of men!

dawnings of recollection and thought, of a temporary nature, supposed indicating a cure. Such cures, however, have generally ended in disappointment; and the same may be said of the different means which have been attempted on the old plan, either by untimely evacuation—the use of narcotics—sedatives—or other substances; for the general result has been but a palliative of symptoms without any permanent or complete cure.

At the same time, I can see no reason why this particular disease should not be subjected to the powers of medicine and auxiliary means, equally with any other, if the practitioner were to attend more to the particular species of the disease. No, this is seldom, if ever, done. Madness is treated in the general way; little inquiry is made respecting the peculiar species—it is enough that the person is said to be mad,—he is condemned to the mad-house, to coercion and to cruelty of every description; robbed, perhaps, of his all, by some interested relative. If he were not completely mad before, is it to be wondered at he becomes so now? I contend, therefore, that unless the particular species of this disease is well considered, the physician cannot conscientiously discharge his duty to his patient; this being done, the cure is half complete; even hereditary madness itself may yield, if this plan be adopted.

There can be no doubt that madness is a delirium without fever, often produced by the vessels of the brain being overdistended, by the effects of plethora, as we daily see in cases of apoplexy. The nerves are thus compressed, and the animal spirit (their proper fluid) refused a free passage through them,—delirium is the effect, and consequently incoherent ideas in the brain follow:—the plethora increasing the rapid motion of the blood, the madman becomes more furious,—and it is not until nature is almost exhausted that the spasms which

affect the whole brain are overcome. The patient is now more tranquil, and he is, for the moment, himself again.

I refer to my work already mentioned, where I have entered at large into the treatment of this malady, and pointed out the defects of practical medicine on the subject. I have there shown that an obstruction of the nervous fluid, often arising from plethora, produced delirium, and consequently a loss of energy of the whole brain; and more particularly in its circulation. And that this want of energy is the great cause of madness cannot be doubted, whether of the sanguine or melancholic species; such being the case, the invigorating plan (first removing plethora, where present) is the most proper, and holds out more than any other a probability of cure. It has been contended, that hereditary madness is incurable; this I deny, for instances are not wanting of idiotism, even from infancy, being removed by an accidental fracture of the cranium. Madness often follows the suppression of customary evacuations, and is only cured by depletion, the principal of which is blood-letting. Forestus cured a woman that grew mad upon a suppression of the menses, by opening a vein; and according to Hippocrates, if hæmorrhoides happen to mad persons, their madness is brought to a crisis; and although it is an admitted fact that various diseases often terminate in madness*, yet it is equally certain that madness as often cures infectious disorders. The casual excitement of some particular passion often changes the different kinds of madness into each other: the patient is one day labouring under idiotism, the next mania, or furious madness.

The more I have reflected on the invigorating

* A curious case lately occurred of the most violent spasmodic symptoms, and even madness, produced by the external application of the belladonna as a wash to a sore.

plan, the more I am convinced of its propriety ; and in consequence I have been induced to act on this principle, however contrary to the opinions of others. There is no power which possesses so much influence on the head as an invigorating and tonic remedy, as cold ; but cold must, at the same time, be introduced through such a medium as to render it permanent in its application ; and at the same time sufficiently stimulant to keep up the degree of excitement required.

In the state of furious madness the effects of the clay-cap, of snow, and other methods, are well known ; but they are too powerful to be long continued, and their suspension takes off the benefit derived from their temporary use. Hence, instead of cold applied in general, I have found it completely successful when directed to a single point, through the medium of water ; which continued, keeps up the stimulus necessary to produce permanent benefit. Thus water allowed to drop on one part of the head, from a given height, proves a specific when judiciously conducted ; and joined to the means already described, in the very worst cases of madness, has effected an indisputable cure.*

In some countries the application of water, along with exposure to the rays of a scorching sun, forms one of the most severe punishments that can be inflicted ; a proof at least of its powerful influence. Its well-known effects in producing a certain temperature in tropical climates, in the most burning sun, by means of evaporation, have been long resorted to ; and form a strong argument in favour of the practice I would recommend. Indeed, my sole object in the present address, is to solicit the attention of the profession to this new mode of

* Les douches consistent à verser de l'eau sur la tête, en la faisant tomber de plus ou moins haut. Elles étaient connues des anciens : elles s'administrent de différentes manières. A. Avignon, le tuyau de la douche, terminé en bec de flûte, est placé à un pied au-dessus de la tête du malade.—Esquirol.

applying cold in insanity—a mode peculiarly suited to excite the energy of the brain, and thus to act completely on the immediate seat of the disease.

In every case in which it has been tried, it has proved uniformly successful, and with the addition of a proper regimen, and a due regulation of the mind, it will tend more to empty the cemeteries of the understanding of these immolated victims than any other.

From the state of the maniac's habit, as costiveness is a leading symptom, the regular use of laxatives is strongly indicated, of the most powerful nature, both on the principles of revulsion, and as freeing the constitution of that acrid collection in the bowels, which may increase the general irritation of the system.

The following considerations are founded on the views we have (in our work on Insanity) taken of man, whether in society, or in the state of mental alienation in all ages, and among all nations. We have generally found mad women much more wicked than mad men; but in France, it is as true as singular, that women labouring under this disease, are less wicked than their English neighbours. Frenchwomen who, according to the general opinion, hold the first rank in coquetry, are subject to melancholy madness, and the English to furious madness. The Italian women are more subject to *superstitious* madness. Those of Holland to dementia; the Germans to hypochondriacal madness; the Belgians to idiotism. The Spanish and Portuguese are subject to hallucinations. In the Indies the women frequently become mad on account of their insupportable pride, as Italians by irresistible love. In Africa it is rare to find a mad woman, although the men are often affected with madness. In America, the women are also less subject to madness than in Europe, because luxury and the toilet are not so much in request there; for we

ought not to regard as madness their constant habit of remaining tranquil in their household. The greatest madness of European women, and which is the source of all their vices and misfortunes, is, on the contrary, never to return home till three or four o'clock in the morning; to remain there in bed all day, in order to recover from the effects of their debauch, which they renew at night. They call these the manners of high life. Theatrical representations, balls, and especially masquerades, are frequently the cause of madness, of all disorders, of the corruption of morals, and the ruin of families. Here it is that the coquette and *petite maîtresse* meet together. To that place it is that the *complaisant* husband takes his wife and daughter; there is the rendezvous of the lover and the mistress. Is not all this perfect madness?

This *contagious* madness has been introduced even into the new kingdom of the Low Countries. We are not so well acquainted with the character of the women of Holland as with the others; but if we may judge of the women of that nation by those whom we have seen in France and in Belgium, we may say with truth, that they may be classed among the French women; but the coquettes of Holland are even more artful than the French; because the French women are often frank, and always grateful, those of Holland never! The English women, in spite of their reserve and their prudery, after having lived three months on the continent, surpass in intrigue not only the Dutch women, but the women of all countries. Of this we have been enabled to judge at Brussels and Paris. How many English women have we not seen become mad after having, as they say in England, "gained their liberty;" that is to say, shaken off the slavery of their husbands, of their establishment, and of their relatives, to follow in every thing the practices of the Parisian *petite maîtresse* and coquette!!!

In attention to the mind, no remedy perhaps will have more energetic influence, where the individual has naturally a taste for it, than music; by it the mind will be stolen from its favorite train of thought, and led by its fascinating powers to new reflections and ideas. It has charms, we are taught by the poet, "to soothe the savage breast," much more to affect a mind which has been cultivated, and where feelings and sensations have merely taken a wrong or erroneous bias.

The ancients, says M. Esquirol, have extolled the admirable effects of music. Herodotus and Pausanias affirm that most of the legislators were musicians; that they made use of music to civilize men. The Phrygian measure excited rage; the Lydian induced melancholy; the *Æolian* was consecrated to the amorous passions. Each passion had a musical style which was peculiar to it, while the moderns have sacrificed all to harmony. The Jews, Greeks, and Romans, have equally appreciated the influence of music. Every one knows the effect which the "*Ran des Vaches*," produces on the Swiss. Music acts on the physical man, by allaying nervous tremour, by promoting the circulation, as Gretry had observed in himself, it acts on the moral being, by fixing the attention by soft expressions, by agreeable recollections. Indeed, if one wishes to have any success, it is necessary to have few instruments; they must be placed out of the patient's sight, and we must cause to be played airs familiar to his infancy, or which were agreeable to him before his illness.

It is well known, that music has been regarded at all periods and in all countries as having a powerful influence on the soul and on the senses; and it is acknowledged that music is the only means to cure the disease caused by the tarantula*. Its

* This curious interesting, but venomous spider is to be found chiefly near the city of Tarentum in Apulia.—Its bite, or rather wound, is pierced with its

effects are visible on all animals, even on the lowest of the brutes. Fishes are not insensible to it, and seem to listen with attention to melodious sounds. Music is also a sure passport to traverse the vast deserts of Africa, inhabited by the most savage beasts; and it is the means of being admitted into the society of the fair sex of all countries.

We have reason to believe that music will produce the happiest effects in many diseases. We see daily its effects on the passions. It makes the coward fight; it is food for the lover; it leads the soldier to glory; it cheers the weary traveller: and, in a word, its effects are divine.

To prove the power of music over the mind, Aristotle appeals to the compositions of the musician Olympus; for these, says he, and, as is universally acknowledged, possess men's minds with enthusiasm, and enthusiasm is a moral passion of the mind. “—— δῆλον δὲ —— ἔχ' ἡκιστα, διὰ τῶν Ὀλύμπου μελῶν. ταῦτα γὰρ, ὁμολογουμένως, ποιεῖ τὰς ψυχὰς ἐνθουσιαστικὰς. ὁ δὲ ἐνθουσιασμός, τῇ περὶ τὴν ψυχὴν ἡθὺς πάθος ἐστίν.”

“Music,” he adds, “is naturally one of the sources of pleasure, ἡ δὲ μουσικὴ φύσει τῶν ἡδυσμένων ἐστὶ, and there seems,” adds he, “to be a kindred relation between the soul and harmony, καὶ τις ὅμοιος συγγένεια ταῖς ἁρμονίαις εἶναι.” For which reason, he subjoins, “many of the philosophers maintain, some that the soul is harmony, others that it has harmony.”

forceps, and at that instant it injects from its mouth a poison into the wound, the bite occasions pain, like the sting of a bee—in a few hours a numbness succeeds—a little after the patient falls into a profound sadness, and his senses fail, and he soon loses all sense and motion; and dies, unless relieved. The effect of music on this disease, of which it appears to be the only cure, is remarkable. After sense and motion are lost, the patient will be seen to make a faint motion, by tones of an instrument familiar to him—first his fingers will move in cadence, next his arms, legs, &c.; by degrees his whole body: at length he rises and begins to dance, which some patients will continue for six hours without intermission. He is then put to bed, and when recruited from the fatigue of the first dance, he is called out of bed by the same tune, and this exercise is continued for six or seven days; when the patient finds himself too fatigued to dance any longer, it is a characteristic of his being cured, for as long as the poison acts on him, he would continue to dance, till he died of the mere loss of strength.

We have entered into the foregoing details with a view to prepare the reader for entering on the consideration of the following singularly remarkable case, which it is our lot to report, to the disgrace, it is our painful duty to say, of the judicial administration in this country, of subjects connected with medical jurisprudence, so far as regards lunacy cases. By making himself previously acquainted with the particulars connected with this worst of all diseases, the reader will have possessed himself of a clue which will enable him to thread the technical mazes in which the perverted ingenuity of legal professors is capable of involving a very simple question. He will judge for himself! and we are satisfied that the result of his candid perusal of our report of the scenes about to be disclosed to his view will lead to his coincidence in the opinions we shall express. We dismiss this part of our subject with the earnest request that the reader will view the whole of what we submit to his perusal with a mind anxious only for the discovery of the truth, and the exposure of the paltry motives of the interested individuals who have so recently endeavoured (and partially succeeded in the attempt) to immerse in a solitary prison, a gentleman of sound mind, under a flimsy and unsupported pretext of insanity.

COMMISSION OF LUNACY.

Commissioners—MR. PHILLIMORE, MR. WHITMARSH,
and MR. BLUNT.

Counsel for the Commission—MR. SERJEANT TADDY,
MR. AUSTIN.

Attornies.—MESSRS. R. G. and H. BURFOOT,
For MR. BRAND,—NOT A HUMAN BEING!!!

Wednesday, August 18th.

A JURY assembled ou Monday, at the Gray's-Inn Coffee House, for the purpose of inquiring into the state of mind of John Brand, Esq., lately residing at Sutton, in the county of Suffolk, but now in Parliament-street, Westminster. The commissioners were Mr. Phillimore, Mr. Whitmarsh, and Mr. Blunt.

When Mr. Phillimore entered the room, he informed the jury that he had received a letter from Mr. Brand, requesting permission to attend while the witnesses were under examination, in order that he might hear their testimony, and have the opportunity of cross-examining them. Mr. Brand also urged in the note, that he was unprovided with professional assistance, and therefore wished to have time to consult attorney and counsel, and to have the advice of some medical gentlemen, whom he should wish to have an interview with. The first request, Mr. PHILLIMORE said, could not be refused, because Mr. Brand, being a party interested, had a right to remain in the room during the inquiry, and to put such questions as he might think proper to the witnesses. It would also be proper to give him the opportunity of consulting his friends, and proeuring any assistance that he might deem proper. He proposed, therefore, that Mr. Brand be immediately sent for.

Dr. Sutherland then left the room, and shortly after returned with Mr. Brand, in the custody of two keepers. He is a person of very mild and gentlemanly appearance. He had on a strait-jacket under his coat, and a sort of cloth gloves covered his hands. The jacket and gloves, however, did not prevent him having the free use of his body. He said that he wished to have the opportunity of sending for professional assistance; and he wished to ask if the commissioners would allow him to defend himself, and to have a solicitor by his side?

Mr. PHILLIMORE said, that no objection would be made to his proeuring any assistance that he might wish to have.

Mr. Serjeant TADDY (who appeared in support of the commission) observed, that a *caveat* to the commission had been taken out by Mr. Young, an attorney.

Mr. Brand.—Yes, Sir, I am aware of that; but Mr. Young is Mrs. Brand's solieitor; she has occasion for his advice, for it is said that she also is mad! It was stated that Mr. Young was out of town. Mr. Brand then said, that he had employed several soliei-

tors, but had been obliged to change them often. The last one visited him once when in prison, but not since. He had written to Mr. Brougham, but that gentleman had informed him he could not leave the northern circuit. He then stated that he wished to write to the Hon. Mr. Law, but was apprehensive that his letter would not be delivered.

The commissioners said they would take care that the letter should be delivered, and every facility should be afforded to Mr. Brand to make his defence.

Mr. PHILLIMORE recommended that the jury should then be sworn, and adjourn to a future day. The learned gentleman explained to Mr. Brand that the names of the jury would be called over; that he could object to any of them; that only fifteen were in attendance; and that if he pleased he might desire the attendance of twenty-three.

Mr. Brand said it was not his wish to prolong the proceedings; but as the matter was one of very great importance to himself, he should wish the opinion of twenty-three gentlemen.

Mr. WHITMARSH then inquired who had taken out the commission, and was informed that it had been obtained upon the application of Mr. Fitz-Brand, the heir-at-law.

Mr. Brand (addressing the solicitor.)—To save trouble, I should wish that the next time you come here you will bring proof that Mr. Fitz-Brand is the heir-at-law,—that his parents were married, and that he was born in wedlock.

Mr. PHILLIMORE—It is not necessary that the heir-at-law, or any other near relative, should commence a proceeding of this description. Any person may apply for a commission of lunacy, and if there are grounds for it, it will be granted.

The names of the jury were then called over, and Mr. Brand objected to two of them, because he said these names were similar to some of his relations. Other gentlemen were also sent for to make up the 23. Mr. Brand then wrote a note to Mr. Law, which was taken to his chambers; but that gentleman being out of town, Mr. Brand forwarded a letter to Mr. Brundrett, solicitor, of the Temple; who shortly arrived, and took instructions from Mr. Brand for his defence. The inquiry was then adjourned to Thursday morning at 10 o'clock.

Thursday, August 19th.

This morning at 10 o'clock, the jury in the commission appointed to inquire into the state of mind of Mr. Brand, assembled at Gray's Inn Coffee-house pursuant to adjournment. The court was much crowded, the case exciting great interest. Mr. PHILLIMORE presided.

Mr. Brand was introduced, and was dressed as on the last day of examination—viz., with a strait-waistcoat under his clothes; he appeared perfectly composed; and, in answer to a question from the

learned commissioner who presided, he stated that it was his wish that the proceedings should go on, and that he should conduct his own cause himself.

Mr. PHILLIMORE then, in a very luminous manner detailed the nature of the investigation, and

Mr. Serjeant TADDY rose to state the case for the commission, and took a review of the principal events of Mr. Brand's life. The party against whom a commission was prayed, was possessed of property to the amount of 4,000*l.* per annum. He had been educated at Winchester School, after which he went to Cambridge, where he acquitted himself with great credit. He was always of a passionate mind; entered into his amusements with enthusiasm approaching to madness, spent large sums at chess, cricket, and on women. [Here the unfortunate man shed tears.] He lived with more females than one, whom he had picked up in the streets or theatres. One of them, Mrs. Dashwood, died under peculiar circumstances, and he had her grave watched for four months, and he had since constantly said that wherever he went he saw her face and person by night and day. At the gallery of paintings, Somerset-house, and at Suffolk-street exhibition, he exclaimed, "How extraordinary! I see Mrs. Dashwood all round the room; the painters want to expose me." He had lately been imprisoned in Tothill-fields, and on the 31st of July wrote to Sir R. Peel, stating, "Release me, or by G—d it shall cost you your life."

Mr. Paynter, of Trinity College, Cambridge, was then called in. He deposed that Mr. Brand had been educated at the same college. He was clever, had a strong memory, passionate, and extravagant; he had laid out great sums in shells, as much as 3,000*l.* Had acquired a taste for shells in France. He had had this information from Mr. Brand. He spent great sums at chess; one person received no less than 1,500*l.* Mrs. Dashwood and Mrs. Carr with whom Mr. Brand had lived, were taken, the one from the saloon of a theatre, and the other from the street. Mr. Brand talked of marrying Mrs. Dashwood, but at the earnest entreaty of Sir E. Ryan, he did not. He usually drank two bottles of wine, and smoked from 12 to 20 cigars daily. His cigars cost him 1*l.* per week. Witness then described Mrs. Dashwood's death, which took place from a fracture of the skull, arising from a fall down stairs after they had been playing at chess; they differed that night, and slept in separate beds. In the morning Mr. Brand thought she slept long, and he sent servants to ascertain the cause; they said she was sleeping soundly, and he waited some time longer, after which she was found breathing hard, and she pointed to the hinder part of her head, and seemed to be in great pain. She took Mr. Brand by the hand, and said she had fallen down stairs. Mr. Brand had mortgaged part of his property for 8,000*l.* in the Pelican office; he thought he had been cheated, and was in distress about it. He manifested such symptoms about it that witness thought Mr. Brand was unable to manage his own affairs.

The witness was examined at great length by Mr. Brand as to the nature of the mortgages on his property. Witness, in answer to questions from Mr. Brand, said he never recollected a pretty servant-maid at Camberwell to whom he (Mr. Brand) alluded, neither did he know of one in Prince's-street; had never declared that Mr. Brand had spent 45,000*l.* in his life; had stated that his income was between 2,000*l.* and 3,000*l.* a year. Witness believed that Mr. Brand did not care for his child, because he thought it was not his.

By Mr. Serjeant TADDY.—Witness considered Mr. Brand had during his life been subject to strong mental excitement.

By the CHIEF COMMISSIONER.—From witness's own observation he should say that from the beginning of May, or the latter end of April, Mr. Brand was not of sound mind. He considered the extravagances of Mr. Brand to have arisen from a disordered mind.

The CHIEF COMMISSIONER.—You have heard and seen Mr. Brand to-day. Do you think he is now in sound mind?

Witness.—Judging from his previous manners, I should think he was of unsound mind.

By Mr. WHITMARSH.—His rejection of me as a friend, without any cause or quarrel, leads me to this conclusion.

Mr. Marchant, solicitor, was then called in, and examined by Mr. Serjeant TADDY.—Had known Mr. Brand ten years. Mr. Brand called on him some time in May, and asked him if he did not recollect some particulars of an altercation he (Mr. Brand) had had with a French officer at Bourdeaux. Mr. Brand hoped he would recollect the transaction, as his honour was concerned. He wished also that witness would recollect the conversation he said witness had had with the Duke of Wellington, when his Grace had said, calling him (witness) by his christian name, "Denis, it is all nonsense; Brand has behaved very well." Witness denied ever having had any conversation with the Duke upon the subject, or that he knew his Grace, or ever dined with him. Mr. Brand went on to connect the pictures in Suffolk-street gallery with the women with whom he (Mr. Brand) had been connected. Mr. Brand pressed witness to go and see them, and witness promised to do so, wishing to get Mr. Brand out of the house, not feeling very comfortable in his presence. Mr. Brand spoke of a conspiracy against himself, and could not account how those pictures got into the gallery; he said it was done to expose him. The instant Mr. Brand left the room he had written to a mutual friend, expressive of his feeling that Mr. Brand was insane.

In answer to a question witness declared that he had never said he knew the Duke of Wellington, or that he had dined with him.

By the CHIEF COMMISSIONER.—The impression on witness's mind was, that if he was sober at that time, Mr. Brand was of unsound mind. It was a serious thing to give an opinion upon the state of any man's mind.

By Mr. Brand.—Witness did receive a pension from Government. He was a son of General Le Marchant, who was in the army, and was killed at Salamanca. His father was intimate with

the Duke of Wellington, but he had no acquaintance with his Grace.

Mr. Barnard, a member of the Marylebone Cricket Club was examined as to some extraordinary expressions made use of by Mr. Brand on the ground. Witness stated that Mr. Brand had, without provocation, called the honorary secretary of the club a thief, a liar, a coward, and a—, and that he was ready to fight with pistols across the table with the secretary. Witness was the more surprised at these expressions, because Mr. Brand before had always acted in a mild gentlemanlike manner. There had been nothing in the secretary's conduct to warrant such expressions.

By Mr. Brand.—Had no knowledge that the secretary had talked of any affair in France.

Mary P'elit examined by Mr. Serjeant TADDY.—Witness was servant to Mr. Brand. She did not witness the death of Mrs. Dashwood. Mr. Brand after that event was low spirited, and she used to sit down with him to drink a glass of wine. Her master used to say he did not like to see the faces and shadows in the curtains. She was called up sometimes at two, three, and four o'clock, by her master to make tea. He said he had felt ill since the death of her poor mistress. (Here the witness shed tears.) She had said that her master wanted as much humouring as a child. She went to France with Mr. and Mrs. Brand. At the hotel in Paris, Mr. Brand had a dispute with the waiters. (The witness here with considerable reluctance answered several questions, which we cannot notice. They tended to induce the belief that Mr. Brand was afraid of some unnatural offence being attempted upon him.) In returning from France in the packet, her master had called a passenger, a Foreign Princess, by a disgusting name. While at Paris, Mr. Brand walked out with his wife; but ran away from her when they were at the top of a mountain, and called her by a similar epithet. From Dover to London her master and mistress travelled in separate post-chaises. On the road they stopped to take refreshments, and her master said witness might ride with him, but that her mistress should not. Mrs. B. had slept in the same room, and in the same bed with her master, since he had had the strait-jacket on. Her master would have a woman to sleep in the same room when his two keepers were in the house. Her master was so afraid of unnatural men, that he would not go to the closet without having two women with him.

Examined by Mr. Brand.—Her master had never taken any liberties with her. Witness had always experienced kindness. She did not know that it was agreed that separate post-chaises should be had to come home.

To other questions, witness answered that the first time she considered her master out of his mind was when he came home with Mrs. Brand quite unexpectedly, and was cross to her. He had always before been kind: he fancied dirt had been put into the tea.

Re-examined by Mr. Brand.—Witness always thought her master more quiet and comfortable when left to himself. She had

always seen that he was composed in her presence. Should not mind walking ten miles with her master if he was civil.

By the CHIEF COMMISSIONER.—Witness did not think her master was in sound mind, his temper had altered so.

The jury here (it being nearly five o'clock) expressed some degree of impatience, and it was agreed to adjourn the proceedings till the morrow

Mr. Brand said he should probably require many witnesses to be summoned, six or seven from Bourdeaux and other places. He wished for a list of witnesses on the other side.

During the whole of the proceedings, Mr. Brand, who was in a strait-waistcoat, appeared to maintain the most perfect self-possession.

Friday, August 20th.

The commissioners and jury assembled, pursuant to adjournment, this morning.

Mary Ann Garnham, examined by Mr. Serjeant TADDY.—She was formerly a servant in the household of Mr. Brand. She remembered the day Mr. Brand was married; it took place the 11th of April last at Sutton Marsh. The parties left immediately after for London; stayed there a short time. The day after they returned to their country-house, Mrs. Brand said she was to pack up her clothes and leave, as Mr. Brand had called her (Mrs. Brand) a beast and a ———, and should leave his house. Mrs. Brand left accordingly, but returned next day. Soon after she desired a servant to go into Mr. Brand's room and bring out her clothes. Mr. Brand would not allow any one to go into his room; he threw the clothes out of the window. Mrs. Brand said she was not to be frightened as Mrs. Dashwood was. On the Tuesday after, Mrs. Brand ordered a leg of lamb for dinner; Mr. Brand ordered mutton chops; high words ensued. Mr. Brand turned her out of the room, observing that she was not the same woman she was on the previous night, and he would be divorced. Mrs. Brand then went to Ipswich, and returned the following day.

By Mr. Brand.—Had never seen the play of *Isabella, or, the Fatal Marriage*.

By Mr. PHILLIMORE.—Mr. Brand, in the absence of Mrs. Brand, behaved very properly and correctly. Thought his mind became affected immediately after marriage. He was in the habit of looking through key-holes, to see what Mrs. Brand was doing. Since the death of Mrs. Dashwood he had become so disturbed that the servants were afraid he would do something to himself. He drank wine, and talked to himself.

Mr. Hughes examined by Mr. Sergt. TADDY.—Witness was the medical attendant of Mr. Brand. Had known him personally for two years. Mr. Brand was very delicate in his manners. He thought

Mr. Brand's mind altered, from the strange request he made on the death of Mrs. Dashwood, to take his wine in the same room with the corpse, and to lie beside it at night. Witness attended Mrs. Dashwood. Her death was occasioned by a fall down stairs. Thought Mr. Brand's mind changed immediately after. He frequently complained of confusion of ideas. Said he had frequently seen deceased persons, particularly Mrs. Carr, whom he had seen three times in one day; also a celebrated chess-player, who had lived in the King's Bench. Thought parties dead one moment and alive the next. Frequently believed he was the object of unnatural attempts, and asked witness if there were persons of a certain description in that neighbourhood. [The evidence at this part was of such a nature that it cannot be published.] Witness went on to say that he wished to bleed Mr. Brand, who declined it, saying he was in perfect health. This was in Junclast. Recollected being sent for, on the 14th of June, when witness was desired to bleed Mrs. Brand "because she was crazy." Mrs. Brand said it was Mr. Brand who ought to be bled, for he was crazy. Mr. Brand complained of conspiracies, and mentioned that a commission of lunacy was to be attempted against him; that Dr. Paris and Dr. Babington had visited him, that a man had come with a strait-waistcoat, and that Alderman Wood was there; but that he (Mr. Brand) had ordered them all out of the room; and after an altercation, Mr. Brand had said, "So help him God, he should never speak to Mrs. Brand again, except on business." Witness stated, that Mr. Brand had said he saw Mrs. Carr and Mrs. Dashwood sitting in the street window. In May, 1827, witness attended Mr. Brand, in a fever; he suffered under extreme debility at that time.

By Mr. Brand.—Witness considered Mr. Brand very delirious at that time. He had gone to vote at the Cambridge election without his (witness's) consent.

Mr. Brand.—Do you think it quite impossible for me to quite recover.

Witness.—I do not.

By the Court.—It was first in September that he discovered a confusion of ideas. Mrs. Brand was very violent, which tended to injure the mind of Mr. Brand. On witness's first visit after the marriage, he found Mr. Brand under great mental excitement. He talked incoherently of pictures he had seen. He said he saw Mrs. Carr there, and Mrs. Dashwood there (pointing to the wall.) Witness heard such expressions more than once. Witness had not seen Mr. Brand till yesterday, since the 16th of June. Mr. Brand would not submit to any medical treatment. Witness thought Mr. Brand in the same state of mind as in May last; saw no alteration; thought Mr. Brand still a lunatic and had not the least doubt that he was unable to govern his property or his affairs. Witness thought Mr. Brand a lunatic with lucid intervals; at particular periods he had lucid intervals. Yesterday witness thought so, but those intervals had not occurred so often to-day. Witness

thought Mr. Brand might be able to write a letter, but in five minutes he would be again unwell.

Mr. Brand.—You say my mind wavered. Do you think a man is mad because he alters his mind?

Witness.—No.

By Mr. Serjeant TADDY.—Witness considered those lucid intervals, when Mr. Brand was in full possession of his reason. He thought Mr. Brand was now a lunatic, because he saw him frequently laughing during this inquiry. No sound-minded man would do so.

By the Jury.—This is the only reason I think so.

Mr. Dunne, who happened to be present, fired with indignation at the consummate folly of this witness, (who evidently knew nothing of the symptoms of madness) having sworn that Mr. Brand was a lunatic, and the only reason he had for thinking him so, was because he heard him laugh during the investigation, requested Mr. Phillimore's permission to interrogate this witness on the moral and physical causes, genera and species of insanity: when, the Chief Commissioner, abruptly vociferated in the most angry and menacing manner, "Who are you? Are you a witness." Mr. Dunne, unprovoked by this rude interrogation, replied, that every man in society had a right to oppose the perversion of justice.

Mary Pelet was re-called and questioned by the jury.—She had peeped through the key-hole of her master's room at Sutton, because he rang the bell and would not open the door.

James Miles was called and examined by Mr. AUSTEN.—Witness was gardener to Mr. Brand; recollected Mrs. Dashwood's death; she was buried in Bawdly church-yard, near Sutton, in a brick grave. Was desired by his master to watch the grave; did so alternately for fifteen weeks. Mr. Brand directed him to take care the body was not taken away; had never heard of bodies being stolen from the church-yard; since the death of Mrs. Dashwood had thought his master's mind not at ease; had seen him crying, and thought all was not right; saw him talking in the parlour, before a closet, to himself; had received orders for sowing seeds which his master afterwards declared witness had forgotten; had watched him in the plantations, fearing some harm would come to him. His master had become short in his memory.

By Mr. Brand.—Always considered his master's memory better than his (witness's). He was liable to have forgotten about the seeds. Thought his master's health better than it had been.

By the Court.—He had received orders to watch the grave from his master. Had three shillings per week extra for it.

By Mr. Brand.—Had never seen but one person in the church-yard. Had once seen Mr. Brand there.

Mr. B. R. Nodder, governor of Tothill-fields prison, was next called in, and examined by Mr. AUSTEN.—Witness had had Mr. Brand in custody for an assault upon a Mr. N. Harris. The commitment was dated 20th July. Had received a note from Mr. Brand. Afterwards, witness met Mr. Brand; and in reference to its

contents, said he was not accustomed to be desired to do such things. (This had reference to a sight of the commitment). Mr. Brand replied, "I then desire you to do so," and walked away. Afterwards, Mr. Brand addressed letters to the Duke of Wellington and Mr. Peel. (The letters were put in and read. They were proved to be in the hand-writing of Mr. Brand).

The letter to the Duke of Wellington was to the effect, that Mr. Brand considered his Grace guilty of illegal and unjust conduct in detaining him (Mr. Brand) a prisoner, and wished his Grace to name weapons, a time and place, in order that he (Mr. Brand) might receive the satisfaction of a gentleman. The letter stated that Mr. Brand had been separated for ever from his wife, and that his confinement was in opposition to the express promise of his Grace.

Two other letters were read from Mr. Brand to Mr. Nodder, stating that he (Mr. Brand) was confined unjustly, and requesting Mr. Peel to be made acquainted with his determination to have the parties imprisoning him punished. The next letter read was addressed to Mr. Peel, requesting the Home Secretary to obtain his (Mr. Brand's) liberty. That he concluded there was no order for his committal.

No answer being received by Mr. Brand, he again wrote to Mr. Peel, as follows:—"Release me from prison, or, by G—d, you shall answer for it. You shall have a bullet in your head, or I one in mine. So attend to it."

Witness was again examined.—Mr. Brand afterwards met witness, and asked him if his name was Nodder or Kiss; if he recollected, 15 years ago, he (Mr. Brand) had kicked him out of a house. Witness had never been kicked out of a house.

By Mr. Brand.—Witness had refused to give Mr. Brand the order of commitment, but said a copy might be had. Had released Mr. Brand under proper authority, by an order signed by Mr. White, the magistrate.

Mr. Brand.—Were you authorised to give me into the custody of the two men?—Witness. I had a regular order for your discharge.

Mr. Brand.—Do you call it a discharge from custody to be given over to two men who put a strait-waistcoat on me? Witness. I discharged you regularly.

Mr. Brand.—Were you never kicked out of a room? Witness.—Never. Perhaps it might be a difficult thing to do.

Letters were here read from Mr. Brand to his friends, dated in May, in which he says he has discovered a conspiracy against him. That his friends had proved scoundrels.

Mr. John Davies called.—Is a surgeon and apothecary, near Sutton; attended Mr. Brand on the 21st July last; thought his manner peculiar. Mr. Brand had been to Paris; said to witness, that the French people, he thought, looked very odd; that they changed their countenances, were jesuitical, and — in their appearance; they had a strange way of going into the ground in one

place, and coming out at another place a quarter of a mile distant ; saw him on the 26th July at Harris's hotel, Parliament-street, Westminster ; refused to take food, except from witness. Dr. Paris, and one of the keepers were present. Mr. Brand said, that the keeper threatened to throw him out of the window, and that the keeper belonged to a nameless class of persons.

Mr. Brand.—Pray, Sir, is your name Lavies or Davies ?

Witness, (smiling.)—Davies, Sir.

Mr. Brand.—Pray, Sir, are not you reckoned a strong likeness of Mr. Bailey, the master of the ceremonies at Margate ?

Witness said he did not know that person, therefore could not say.

Mr. Brand (rather indignantly,) I have no more questions to put to the witness.

By Mr. PHILLIMORE.—Witness did not think Mr. Brand in a sound state of mind, from what he (witness) had observed during the investigation.

Mr. Brand.—I beg pardon. Did you (to witness) ever see a person in sound mind that you could not drive to madness in three minutes if you chose.—Witness, No.

Mr. Brand.—Did you ever try ?—Witness, No.

Dr. Paris examined.—More patients of the same description as Mr. Brand had fallen to witness's lot than most medical professors in London. Witness had known Mr. Brand ten years ; thought him eccentric. When Mr. Brand's insanity was stated to him (witness), he was not astonished ; he was prepared for it from a previous knowledge of Mr. Brand's disposition ; saw him recently at his lodgings, at Camberwell, in conjunction with Mr. Alderman Wood. Mr. Brand was much excited, and was continually ringing for wine ; had had two pints of sherry before witness's arrival. Alderman Wood insisted that no more wine should be given to Mr. Brand, upon which he came down stairs and appeared to be in a passion. Asked if Alderman Wood were a magistrate : being told in the affirmative, he vociferated, " Clear the way ! clear the way for the magistrate ! " and swinging his arms about at the same time struck Dr. Paris, which caused his nose to bleed. Witness then gave Mr. Brand into eustody, but Mrs. Brand coming down stairs crying, stated that there was nothing the matter with Mr. Brand. Witness let him alone. Witness saw Mr. Brand again on the 27th of July last ; said he (Mr. Brand) had been at Paris, and had been fined 40 francs for throwing " tea things " at the head of a waiter ; said if he had killed him he should not have been fined at all ; he also said that he had discovered the existence of an association of Jesuits and persons of a nameless character ; also that the French were a strange people, diving under ground in one part and appearing again in another. Witness was of opinion that Mr. Brand was of unsound mind. He preferred wearing a strait-waistcoat to being placed under the care of two keepers. Had said that he should get the better of the present investigation, and that he then should tell the jurors that they were all——

Mr. Brand.—How could I say that of persons I never saw ?

Dr. Paris.—Cannot tell.

By Mr. Serjeant TADDY.—Witness is satisfied, that from what he had seen during the present investigation, Mr. Brand is of unsound mind, and not liable to lucid intervals. It was quite consistent for persons of Mr. Brand's description to behave themselves with propriety when under the eye of their keepers; did not think Mr. Brand able to conduct his own affairs; thought so from his general conduct, and particular parts of it; also from his countenance and expressions.—Adjourned.

Saturday, August 21.

At ten o'clock the jury assembled pursuant to adjournment yesterday. Mr. Brand, the supposed lunatic, entered the room, attired precisely as on former occasions, and attended by a keeper. The unfortunate gentleman looked more composed than heretofore, as also in better health; he carried in his hand a bag, which appeared to be filled with papers.

Henry Harris was called in and sworn: previously to his being examined, however, Mr. Brand, with much earnestness, informed the court that he had since he last saw the jury discovered that there was a mistake in the commission: as it was issued against John Fitzbrand; therefore all that had been done in that court must go for nothing.

Mr. PHILLIMORE, after listening with great attention to Mr. Brand, set him right by reading the commission.

The unfortunate gentleman nodded assent.

Henry Harris examined.—Witness is the son of the proprietor of an hotel in Parliament-street, Westminster. The witness merely spoke to the fact of a disturbance which took place in his father's house about six weeks past, in which Mr. Brand was very violent, and subsequently, in consequence of said violence, was committed to Tothill-fields prison.

Charles Orton called.—Had been in attendance upon Mr. Brand as his keeper since July last; recollected a Captain Rowley, about three weeks ago, being introduced by Mrs. Brand to her husband; the latter was very much excited, and was constantly writing to the Duke of Wellington. Mrs. Brand thought if she introduced a person to her husband as the Duke of Wellington, it would tend materially to pacify him. Witness, as keeper, objected to such proceeding; about two days after Mrs. Brand came into the room, and said to her husband, in witness's presence, that a person had just come into the house who was very like the Duke of Wellington; she added, that she would introduce the said person to Mr. Brand; she introduced him accordingly as the Duke of Wellington; Mr. Brand asked if the person so introduced was the Duke of Wellington, and the party bowed assent. Mr. Brand wished to

know if he could be released from the hotel in which he was confined; the imaginary Duke of Wellington said, no; he (Mr. Brand) had better remain where he was for a day or two, the town was in such a state of confusion that it would not be safe for Mr. Brand to go out. Mr. Brand, after this, said that witness and the other keeper, were—

[The evidence of Orton was, for the most part, of such a character as to be wholly unfit for publication.]

Wednesday, August 25th.

This morning, at half-past 10 o'clock, the commissioners appointed to inquire into the state of mind of Mr. Brand took their seats. The jury having been called over, Mr. Brand, the alleged lunatic, was called in, habited as before. The two or three days' repose which the unfortunate man had had seemed to have had a good effect upon him, as he looked much better in health.

Mr. PHILLIMORE, the chief commissioner, said he begged to put a few questions to Mr. Brand relative to the interment of Mrs. Dashwood.

Being interrogated, he said that Mrs. Dashwood's grave was watched in consequence of a wish previously expressed by herself; he intended only to have the grave watched until the corpse became unfit for the purposes of the surgeon or anatomist. Watched it three weeks, in order to make "assurance doubly sure." [A rather tedious examination followed, relative to the opinions entertained and expressed by the unfortunate gentleman with regard to certain nameless practices.]

The CHIEF COMMISSIONER, after an elaborate examination on this subject, at length waved such questions.

Being interrogated with respect to the pictures in the Royal Academy and the Suffolk-street gallery, he thought many pictures he saw there were exceedingly like many persons he knew—his wife and Mrs. Dashwood, for instance; he did not think that those pictures were portraits; they were, however, exceedingly good likenesses. Frequently saw people in and about the Temple with blue mantles over their shoulders; thought that such people were

By Mr. PHILLIMORE.—Did you think that the blue mantle was the symbol of such a class?

Mr. Brand.—Don't know: perhaps you know better than I do. (A laugh.) In reference to a letter written to Sir Robert Peel—viz., "If I am not released, you (Sir R. Peel) shall answer for it with your head;"—did not think such expressions too strong. Declined stating his reasons for writing to the Duke of Wellington. That was a private affair. With respect to Sarvitt, the chess-player, had heard he was dead; did not see him dead; had said

that he either saw him dead, or a strong likeness of him in a dark room after he was reported to have been dead. Travelled to France in two coaches. Being interrogated what was his reason for such expense, answered that a man had a right to be extravagant if he pleased.

The CHIEF COMMISSIONER.—But, Mr. Brand, the object of this inquiry is to ascertain if you are fit to be trusted with the management of your affairs.

Mr. Brand.—Why, the reason that I proposed to travel in two coaches was for the sake of convenience.

Interrogated as to the letter written to the Duke of Wellington; he again repeated that the subject was private. The Duke had better be subpoenaed, if it was necessary that that circumstance should be explained. (A laugh.) Had called at Apsley-house. Would not tell the object of his visit.

By a juror.—Never had any correspondence with the Duke of Wellington till within the last two months.

Mr. Brand then entered upon his defence, which he delivered in a standing posture, with the greatest clearness and firmness of voice :

“Messrs. Commissioners, and Gentlemen of the Jury,—I rise to address you, beset with great, but I trust, not insurmountable difficulties. I will not claim your compassion, when I state that I have never before addressed a British jury, or any public assembly,—that I have only once before seen a British jury; I will not pretend any want of confidence in the merits of my case, or in my power of conducting it: such excuses, on an occasion which should awaken the mind to the full stretch of its powers, are always puerile, or argue a pitiful affectation in the fool that uses them. If I am possessed of an ordinary share of calmness and presence of mind, if I have common sense, and some knowledge of the language in which I have to address you, I trust I shall not, on the present occasion, want words to express myself. The difficulties which I have to complain of, arise from far other causes—from my illegal and violent arrest and imprisonment—from the cruel treatment I have experienced during my detention—from the total absence of any medical men of my own choosing,—and from the refusal of permission for any witnesses to be present, of the treatment to which I have been subjected. I acknowledge that through these means my mind has been so harassed, fatigued, and agitated, during the month preceding this inquiry, that I cannot but feel astonished that I have made use of so little violent or indecent language, and that my acts have not been more furious towards the miscreants by whom I have been surrounded. But, gentlemen of the jury, a mind harassed and fatigued is not necessarily impaired; excited by a collision of extraordinary and vexatious circumstances, it may have recovered its equilibrium when those circumstances have ceased to agitate it. The human mind is never of a nature so uniformly calm and unruffled, but that instances of

irritability and exasperation may sometimes be discovered; the warmest and most benevolent temperament is never so well regulated by education, experience, and religion, but that some ebullitions of fretfulness, or even of fury, may occasionally be excited. I cannot pretend to more firmness of mind, whether arising from education or religion, than is possessed by the generality of mankind. On the other hand, the cruelty and vexation to which I have been subjected during the last two or three months, have been unusually severe and distressing. I think I can prove to the satisfaction of the jury, that a fair judgment of my sanity or insanity cannot be made from the times and occurrences to which their attention has been directed; but even, during the period in which it has been attempted to prove me mad, I hope also to be able to prove that I never lost my memory or understanding: and here I must beg to observe, that I am undertaking more than is requisite. Have I mistaken one thing for another? Have I ever been unconscious of what I have been doing? Have I not always had the faculty to distinguish the nature of actions, to discern the difference between moral good and evil? Have the springs of my mind lost their elasticity? Have I not had the power of the guidance of my own, as much as most reasonable men would have had under the same circumstances? Some of the witnesses have asserted that they think me labouring under delusions. Some of those things which they call delusions I can prove to your satisfaction to be no delusions at all; and if in some respects I have been subject to delusions, by what or by whose means have those delusions been carried on? By those very men who imprisoned me illegally—who are employed to disgrace me and to drive me mad, and whose interest it is to prove me so. Although a wise and sensible man may seldom deceive himself, he may be deceived by circumstances, and even be induced to deceive others; yet, so long as he refrain from disturbing the peace of society, and the established order of things, he cannot be thought a wicked man, still less a madman. But, to go further—passion is not insanity—crime is not insanity—vice is not insanity—and am I to be thought insane merely because I preferred disgrace to crime, and a mad-house to a compromise with scoundrels? With regard to the appearances which the witnesses asserted were the offspring of my own imagination, I fancied none to exist except in situations where their existence, if it cannot be proved, cannot be disproved; and those portraits which have been stated to bear no resemblance except in my own imagination, I shall request you to compare with the living originals. And here I request you to take notice that my case is very different from that of the unfortunate Hadfield, who, in 1810, made an attempt in the theatre on the King's life. Thinking that he himself was king, he looked in a mirror, and felt on his head for his crown. I beg to quote to you the opinion of Collinson in the preface to his *Treatise concerning Idiots and Lunatics*. I must repeat a few words of Greek and Latin in order that I may not be accused of

giving a mutilated quotation:—‘Every person,’ says he, ‘whose imagination is occasionally defective in judgment cannot be considered insane: otherwise, I am afraid there are few, if any, who would not feel themselves comprehended in the circumference of so extended a circle. The observation is not new, that were the wisest of men to act always with the folly and inconsistency which sometimes attend their conduct, they would no longer hold a place among rational beings. Insanity, however, does not consist in a temporary neglect or forgetfulness of our powers, but in the absence of them. It is a state and habit of the mind, and by no means a mere act; ἔστις, and not πραξίς; and must, therefore, have had some continuance in point of time, for ἐκ τῶν ὁμοίων ἐνεργειῶν αἱ ἔξεις γίνονται. The judgment of the imagination cannot be deemed imperfect in that degree which constitutes disease, unless it form unnatural associations or morbid images, of continuance enough to become habitual, nor to be corrected at will, and of sufficient importance to have a probable influence on the conduct of life. And the latter observation is to be particularly attended to in a legal view of the subject, for the capacity required by the law is to transact common matters like common men. *Mediocritatem officiorum tueri, et vitæ cultum communem et usitatum.*’ I need scarcely request you, gentlemen of the jury, to do towards me as you might reasonably wish to be done towards you in a similar situation; to consider that acts of violence are palliated, and in some instances excused, by the provocation that caused them; and that, after all, they are subjects for a civil or criminal court, and not for the present inquiry. I beg you to confine your attention to the simple question, whether I am or am not a madman or an idiot. I have not, nor do I wish to have, that serenity of mind which can witness the sudden and unfortunate death of a pretty woman without a shock; nor do I envy that man his magnanimity who can resign his own wife without a struggle. Yet the want of such magnanimity and calmness are the proofs of insanity which have been alleged against me. With respect to the letters which I wrote to the Duke of Wellington and to the Secretary of State for the Home Department, I have only to state that they were written partly in joke and partly in earnest; on the other hand, you will have the goodness to recollect that, before I wrote the last three letters to the Duke of Wellington (one of which has not been produced, but which I wish to have read) a sham Duke of Wellington had been introduced to me; and the witnesses have themselves acknowledged that they, from the beginning of my confinement, assured me that I was confined by his order. It was long before I could suppose that any man durst make use of the name of the Prime Minister without his authority; and I am obliged in candour to admit that, if I were again to be confined under similar circumstances, I should probably, by irritation which no human mind can withstand, be driven, before the expiration of

two years, to a state of complete madness, from which I probably could never be recovered. I now stand before you as much in the calm possession of my senses and reason as a man can be: and if, by your decision, I am freed from the oppressive and unnecessary tyranny I now endure, I shall be guilty of no acts or threats of violence towards those who have rendered my native country an unfit abode for me; but I must repeat my determination to leave England for ever, unless those who have attempted to throw horrid imputations on my character, and confined me as a madman, be properly punished. This determination is no proof of insanity, but the act of a man whose last prayers will be offered up for the prosperity of England, where he can no longer be of any service, either to individuals or the public. I have nothing more to add but my thanks to the jury and the court for their patient attention, and to Mr. Serjeant Taddy for having abstained from using any technical terms of law, which would have been unintelligible to me; and further, for having saved me the trouble of subpoenaing Miles, the gardener, whose evidence I consider favourable to myself. I will now proceed to make a few observations on the evidence already produced, and call other witnesses in my defence."

Mr. Brand then animadverted on the evidence that had been adduced. "The witness Miles," said he, "states that I was sometimes seen speaking to myself: nothing uncommon in that, I should think. I was in the habit of giving him money to pay my labourers, and might have calculated that 100 pence was equal to 8s. 4d. (A laugh.) He then expressed a wish to examine Mr. Brodie, the well-known and able surgeon.

Mr. Brodie called, and examined by Mr. Brand.—Had attended Mr. Brand; was said to have been ill of hydrocele; visited him some days ago; saw no marks of insanity at that time; he was in a state of excitement, but not more so than might be expected from a person under his peculiar circumstances. When he (Mr. Brodie) saw him on that occasion, Mr. Brand had just returned from the commission which had been sitting that day; saw nothing now in Mr. Brand's conduct or manner that should induce him (Mr. Brodie) to think him insane.

Cross-examined by Mr. AUSTEN.—Had not seen Mr. Brand all that day; only came into court when he began his defence.

Mr. Irvine called by Mr. Brand.—Had known the latter for some time; does not think him insane: did think his mode of farming injudicious; considered Mr. Brand as more under the impulse of the moment than other people, and less under the guidance of reflection.

By Mr. Brand.—Was not certain that his mode of farming was absolutely injudicious.

Ephraim Samuta called.—Met Mr. Brand at chess frequently during the last ten years; saw nothing which should in the slightest degree induce him to think Mr. Brand insane, or even inclined to

such a state ; believed that Sarvitt, the chess-player, was dead ; saw no difference in Mr. Brand at the present time from appearance and manners during the last ten years.

The CHIEF COMMISSIONER here said, that he had just received a communication from the Lord Chancellor, in which his Lordship stated that he was given to understand that Mr. Brand appeared before the Commissioners under a restraint. He (the Chief Commissioner) begged to call the attention of the jury to the evidence of Dr. Sutherland, given on a former day ; that evidence went to show that it would be dangerous to let Mr. Brand be completely free.

A juror thought it exceedingly hard that Mr. Brand should be put upon his defence under the restraint alluded to—the strait-waistcoat.

Mr. Commissioner WHITMARSH said, the waistcoat was only placed on the person easily, and without being applied.

Dr. Sutherland called.—On his oath, he was of opinion that even now it would be dangerous to allow Mr. Brand to be free from restraint more than he was.

After some conversation, in which was shown by all present much anxiety for the proper treatment of Mr. Brand.

The same juror inquired if Mr. Brand felt any inconvenience from the restraint under which he was placed ?

Mr. Brand calmly replied, that he felt a little warm, by having the additional jacket on, and perhaps he was a little rounder about the shoulders. (A laugh.)

Mrs. Harris examined.—Lives at Camberwell. Mr. Brand lodged at her house. Was never afraid of him. Never saw him agitated, except when visited lately by a Mr. Page. Recollects that gentleman, Dr. Paris, and Alderman Wood, calling. They said it was unsafe for Mr. Brand to remain without a keeper. They wished a keeper to remain in the house. Witness objected, as she thought there was no occasion for it. A crowd assembled round the door. Recollects Mr. Brand turning Alderman Wood out of the house.

By Mr. Brand.—Could not say that she thought Mr. Brand did right to turn out the Alderman. She however thought the Alderman's conduct not quite correct. Never saw any thing the matter with Mr. Brand, if he was not excited. Recollects Mr. Brand saying he was ready to go before a British jury, if allowed his own medical attendants.

In answer to various questions, the witness replied, that by the desire of Mr. Alderman Wood and Dr. Paris, she had placed Mr. Brand's razors in her table-drawer. Mr. Brand, however, asked for them again ; and when shaving, Mr. Brand was perfectly composed. Saw the scuffle between Alderman Wood, Dr. Paris, and Mr. Brand. Witness did not think Mr. Brand wished to strike Dr. Paris.

By the CHIEF COMMISSIONER.—Mr. Brand had complained of a confusion of names, if two persons were mentioned to him. On

the Sunday he had complained of a stable smell, and stood at the window. There was no such smell in the house. Mr. Brand objected to Alderman Wood and Dr. Paris coming in. Heard Mr. Brand say that his bodily health was never better than at that time.

By one of the Jury.—Witness's husband had sent for the policemen, but Alderman Wood brought one also. Would not have any objection to stay in the same room with Mr. Brand alone, if no one came to irritate him, and tell him he was mad.

By Mr. Brand.—Witness would treat Mr. Brand mildly if he was under her care.

Mr. Brand.—If I were your son how would you treat me? Would you put this (pointing to his strait-jacket) on me?

This question caused some noise, amid which the answer of the witness was lost; and Mr. Barnd, in reply to a remark by the Chief Commissioner, said, "I wish to have the opinions of the witnesses as to my treatment."

Mr. Harris, husband of the last witness, was then called in and examined by Mr. Brand.—Witness had never seen any thing indicating insanity in Mr. Brand before Alderman Wood called. Witness was not aware of any plea for confining Mr. Brand as a madman. Witness would have been more irritated than Mr. Brand was, had his (Mr. Harris's) friends come to confine him as a madman. Mr. Page had said Mr. Brand was mad, but he did not think so. Witness would not be afraid to stop in the same room without a keeper with Mr. Brand. Witness saw nothing in Mr. Brand's conduct to think him insane. Would sooner be in the company of Mr. Brand alone, than in the company of a mad-doctor or a keeper.—(Laughter.)

By the CHIEF COMMISSIONER.—Had thought Mr. Brand rational after the interview with Dr. Paris and Alderman Wood.

By Mr. Brand.—Had had private conversation with Mr. Brand within the last two days. Had not been dictated to as to the evidence he should give, or mentioned what evidence he would give.

By the Jury.—He was the father of seven children; would have no objection to allow his children to be alone with Mr. Brand.—Mr. Brand sometimes paid him his bills and took a receipt. Saw nothing different from other men in Mr. Brand in settling accounts. Witness would receive Mr. Brand into his house directly if released from constraint.

By Mr. WHITMARSH.—Had not seen Mr. Brand since the 19th May, until within the last two days.

A conversation here arose as to the propriety of again summoning Mr. Alderman Wood as a witness. A letter was read from the *worthy* Alderman's son, stating that his father was in Gloucestershire.

A Juryman declared that he could not give a conscientious verdict without hearing Alderman Wood's evidence. He would sit there every day for six weeks rather than not hear all the evidence.

Mr. Brand proposed that Mr. Dunne should be examined.

The CHIEF COMMISSIONER said, that from particular circumstances he should be compelled to adjourn the further proceedings at 20 minutes to 4 o'clock.

Mr. Young wished to state, that Mr. Gates, Messrs. Sphinx and Co., and others, had refused to act for the defence, without a guarantee as to expenses.

The CHIEF COMMISSIONER said, all necessary expenses would be paid out of the estate. The Lord Chancellor would direct that.

Mr. Brand expressed his astonishment at this.

Mr. Young said, parties would not come forward to assist, because Mr. Brand had declared, that if the verdict was in his favour, he would not pay a farthing.

Mr. Brand.—I will pay my own expenses certainly, but it cannot be supposed I will pay the expenses of Mr. Fitz-brand the promoter of this case.

Other witnesses were then called on behalf of Mr. Brand, but they were not in attendance.

Mr. Austen asked Mr. Brand how many witnesses he thought he would call?

Mr. Brand.—As I have been considered eccentric from my boyhood up, I shall call witnesses on the subject. I should think about 200 will be summoned.

Mr. Austen.—Under such circumstances, I shall move for an adjournment till Saturday, in order that I may have a conference with Mr. Page. The large sums of money already spent in the investigation rendered such conference necessary. The money came out of Mr. Page's pocket, though the commission was instituted on behalf of the heir-at-law, Mr. Fitzbrand. Mr. Page was now out of town, and he hoped an adjournment to Saturday might be allowed, which might prevent great expense.

The CHIEF COMMISSIONER asked Mr. Brand if he should be prepared with witnesses to morrow morning.

Mr. Brand complained of the non-attendance of witnesses, and thought the commissioners should compel them to come and give their evidence. If his witnesses were compelled to attend, he should make out a complete defence. He also wished to have the pictures so often alluded to in the room, and parties who were alive also in the room, in order that the jury might judge that the persons he had said were like the pictures, were really so.

The CHIEF COMMISSIONER said that the Court could compel the attendance of witnesses, but had no power to authorize the production of the pictures. He thought the proceedings had better be adjourned, in order that Mr. Brand might be prepared with witnesses to go on, as, if they did not arrive, he should consider it his duty to close the commission.

After some further discussion, the proceedings were adjourned to Saturday next.

Saturday, August 30.

This morning, at a quarter past 10 o'clock, the Commissioners and Jury appointed to inquire into the state of mind of Mr. Brand, met at Gray's-inn Coffee-house, pursuant to adjournment on Wednesday last. Soon after Mr. Brand entered the court, and bowing to the Commissioners, took his seat. Alderman Wood was also in attendance, and took his seat beside the Commissioners. The unfortunate man complained loudly of treatment which, he said, he had experienced since the last court-day, and to which we can only allude. These complaints implicated Mrs. Brand and the keeper of Mr. Brand. The keeper was called, and denied the correctness of the allegations. After considerable parley, the Chief Commissioner said he had no doubt but the solicitor for Mrs. Brand would take care that she did not trouble him whilst the case was pending.

Wm. Fraser examined.—Had known Mr. Brand as a member of a chess club for some years; did not think his manners those of an insane person; he was not more irritable, but less so, than other chess-players. Never saw any thing in Mr. Brand's conduct to cause witness to think he was likely to become insane at any future period.

The CHIEF COMMISSIONER inquired of the counsel for the commission at what date the period of Mr. Brand's insanity was to be fixed, in order to save expense and time.

Mr. AUSTEN said he was satisfied to confine the investigation to January, 1829, although Mr. Brand himself wished that the investigation should be dated from the September previous.

Mr. Alderman Wood called.—Had known Mr. Brand since his infancy; saw him on a Sunday in May last; went with Dr. Paris and Mr. Page; told Mr. Brand that they had come to inquire about his health, having heard that he was very unwell. Mr. Brand inquired out of the window who was with witness; replied, Dr. Paris. Mr. Brand said he had no need of the attendance of Dr. Paris; had been attended by him before, and had paid him for such attendance and advice. Witness then went on to detail the particulars of his visit, and the altercation consequent thereon, as have already been spoken to in the respective evidences of Mr. and Mrs. Harris, Dr. Paris, Mr. Paynter, and others.

By Chief Commissioner PHILLIMORE.—Could hardly say whether Mr. Brand was or was not, at the time of the said visit, in an unsound state of mind: was not able to judge correctly in such cases. Could not say that Mr. Brand was under the influence of liquor; did not think him so.

By Mr. Brand.—Did not think that he was eccentric from youth. When witness saw him at Mrs. Harris's, never said or

even thought of sending Mr. Brand to a mad-house. There was no proposition whatever to leave a keeper in the room on that occasion; and the assertions of Mr. and Mrs. Harris to that effect are unfounded.

Cross-examined by Mr. Brand.—Did not think that Dr. Paris's nose bled in consequence of his running his head against a post, nor even against witness's head. (Laughter.) Called upon Mr. Brand out of affection, being relatives; did not think that Mr. Fitzbrand (the heir at law) was at Mr. Brand's lodgings on the night in question; knew the young Fitzbrands well, had good reason to know them; had brought them all up; never laid out 10,000*l.* for them; never had such a sum to spare for such a purpose. (A laugh.)

In the course of the worthy Alderman's evidence a brisk cross-examination was set on foot by one of the jurors.

Alderman Wood declared that he had no object of his own to serve. He could not submit to be cross-examined. He had given his answers fairly, and his sense of honour would not allow him to answer interrogatories put with the feeling which had been evinced by the juror. If he (the juror) could not understand the answers that had already been given, and which appeared to be understood by the other jurors, he (Alderman Wood) could not help it. He would not submit to be questioned and cross-questioned upon the same point several times by any man.

Chief Commissioner PHILLIMORE assured Mr Alderman Wood that the juror had no wish to reflect upon his evidence or to trouble him in any ungentlemanly way. The matter then dropped.

Mr. John Wood, solicitor, was then called in and examined by Mr. Brand.—Had known Mr. Brand for two years. Never saw any thing irrational in him. Had received letters from him occasionally, from May 8, 1828, to the 25th of June last. [The letters were read and related principally to the Cricket Club proceedings, of which Mr. Brand was a member.] Had not seen Mr. Brand for four months. There was never anything in Mr Brand's conduct to induce witness to think Mr. Brand a madman. Saw Mr. Brand on the 10th and 11th of June last at the Woodbridge Cricket match. On the 10th Mr. Brand played a game of short whist.

Mr. Brand.—Did you think I was then in my senses? Did I revoke.

Witness.—You won the rubber. (Laughter).

Witness, to further questions by Mr. Brand, answered that he did not consider Mr. Brand's intellects at all impaired.

By the CHIEF COMMISSIONER. Was in the presence of Mr. Brand for several hours on the 10th and 11th of June. Could not recollect the subjects of conversation. Witness was not solicitor to Mr. Brand. Had conversed with Mr. Brand that morning, and saw nothing different in his conduct than on the 11th of June.

By Mr. Brand.—No attempt had been made to dictate to witness

what evidence he should give. Had attended as a witness in consequence of seeing the reports of the proceedings in the daily papers,

By the jury.—Saw nothing remarkable in Mr. Brand that morning except that he did not speak so boldly as usual. Mr. Brand was adjusting the strings of his strait waistcoat at the time. Had visited Mr. Brand at his house. He then spoke of a picture of a spot in Italy, which he was to purchase.

By a Juryman.—Should you have any objection to go out with Mr. Brand for a day's shooting alone? Witness.—I have left off sporting for ten years. If I now enjoyed the sports of the field, I should not have the least objection to go out with guns with Mr. Brand. Up to the 11th of June Mr. Brand was perfectly sane.

Charles Babbage Esq. Lucien Professor of Mathematics at the University of Cambridge, was then called and examined by Mr. Brand.—Witness perfectly recollected the collection of shells possessed by Mr. Brand. It was valuable. Did not think that Mr. Brand ever shewed any irrational signs.

Mr. Brand.—Do you think a man who should be sitting at dusk in his parlour, smoking a cigar and looking out of the window, should be considered a madman because he fancied he saw forms in the curtains, shrubs, &c.? Witness.—Not from that circumstance alone.

By Mr. AUSTEN.—Had not seen Mr. Brand for some time. Was much surprised to see the accounts of the inquiry in the public papers. Mr. Brand was a strong minded man, particularly at chess.

Mr. Hearn, examined by Mr. Brand.—Recollected having had a conversation with Mr. Brand, whom witness had known for seven or ten years. Received a letter from Mr. Brand on the 3d of April, respecting the importation and sale of Armenian and English Dictionaries. The letter requested witness to state the amount of duty on importation, as Mr. Brand had many copies in the Armenian monastery at Venice, where they had been printed for Mr. Brand, and had cost him £700. The letter stated that Mr. Brand expected to find purchasers for the books in England, Constantinople, &c. Had held many conversations with Mr. Brand on this subject. Never saw anything in Mr. Brand that was not calm and gentlemanly. Saw nothing different in Mr. Brand now. Would not be afraid of being alone with Mr. Brand, if he were released from constraint.

By Mr. AUSTEN.—The conversations related principally to the Armenian Dictionary. It is a very learned work, and was compiled by Mr. Brand.

By the CHIEF COMMISSIONER.—From conversations I have had with Mr. Brand, and seeing him now, I am decidedly of opinion that he is perfectly sane.

John Davy, an aged man, was examined by Mr. Brand on the subject of a weekly allowance paid him by Mr. Brand.

The CHIEF COMMISSIONER.—I don't see how the evidence bears on the sanity or insanity of Mr. Brand.

Mr. Brand.—I want to show that I have been charged with the payment of money which had not been regularly given as directed, and thus render witnesses against me undeserving of credit.

To further questions, the witness said the weekly pay had been discontinued.

Mr. Abraham Samuda re-examined by Mr. Brand.—I see a likeness between the last witness and Sarritt, the chess player, particularly the side face; immediately saw the likeness. (This evidence was introduced, in answer to the alleged delusion of Mr. Brand, that he saw faces like Sarritt's.)

Mr. W. P. Wood had had correspondence with Mr. Brand respecting the Cambridge election; had received an answer to a letter from Mr. Brand; should not like to be in the room alone with Mr. Brand on reading the evidence, but from Mr. Brand's personal appearance and conduct should not feel any fear.

Mr. and Mrs. Cooper, with whom Mr Brand lodged, in the New-road, Camberwell.—They stated that between Christmas last and February they never saw any thing in Mr. Brand indicating insanity.

Emma Doughty, servant to the last witnesses, was examined by the Court.—Never saw any thing boisterous or ungentlemanly. Mr. Brand used to count up his housekeeping bills while witness was in the room. If there was a penny wrong, he sent the bill back to her mistress to be corrected. He was particular to a farthing. She used to take up two and three bottles of wine a day.

Mrs. Julia Davis examined.—She never saw any thing improper in the conduct of Mrs. Stephens.

Mrs. Stephens examined.—She had nursed a child of Mr. Brand's; he was affectionate to it; called at her house many times; never saw any thing boisterous or ungentlemanly in Mr. Brand.

By Mr. AUSTEN.—Believed the child to be Mr. Brand's and Mrs. Stephens's.

Mr. Gorton examined by Mr. Brand.—Witness had lent Mr. Brand horses and gigs. If witness had thought Mr. Brand mad, he would not have lent him his horses. Had never seen any thing in Mr. Brand indicating insanity.

By the Jury.—Would not object to allow Mr. Brand to drive him in a chaise.

Samuel Harris called.—Has known Mr. Brand nine or ten months. Came to lodge at his hotel in Parliament-street, Westminster. Mr. Brand came in a carriage by himself. Mrs. Brand came in another by herself. Mr. Brand arrived in the evening; was much agitated, and paced the room repeatedly. Witness inquired what was the matter? Mr. Brand told him that he wanted cold roast beef. (A laugh.) There being none in the house at the time, Mr. Brand was going away. Witness expressed his sorrow that he had nothing in the house that appeared likely to suit Mr. Brand. Had cold ham, lamb and veal. Was told that neither of those would do. Said he had come to the hotel expecting to be treated like a gentle-

man, and that he should have to pay more than 15*d.* for tea. (A laugh.) Found fault with the manner in which witness's servants laid out tea. Spoke of conspiracies which were formed against him. Mrs. Brand was crying at the table. Said to witness not to mind Mr. Brand, for he was out of his mind. He made a great many observations about Cobbett, France, and the Jesuits, which witness did not exactly comprehend or understand. (A laugh.) Mr. Cobbett, he said, was a Jesuit and a——. Witness then went into details explanatory of the squabble which took place at his house, and of Mr. Brand's consequent committal to Tothill-fields prison, all of which have already been narrated or spoken to by various witnesses. Several additional details, from their peculiar character also, cannot be given. Witness continued. Mr. Brand has conducted himself very well during the last fortnight. Judging from his conduct since he came to witness's house, thought him rather of unsound mind of his own judgment (but he was not skilled in these matters); he thought Mr. Brand unsound.

Cross-examined by Mr. Brand.—Admitted that Mr. Brand appeared to be much better and more composed during the last fortnight; less restraints certainly were imposed during that period.

After some further questions respecting the scuffle,

Mr. Brand asked if his wife could be allowed to be confronted with the witness?

The CHIEF COMMISSIONER.—Such a course cannot be allowed. It is contrary to law.

By the Jury.—Witness believed that Mr. Brand sometimes drank two or three bottles of wine a day. Mr. Brand was extremely anxious to see the Duke of Wellington and Mr. Peel.

The Foreman of the Jury here asked if an adjournment should take place?

The CHIEF COMMISSIONER.—It is of the utmost importance to the parties that the proceedings should be carried on with celerity.

The Foreman hoped there would not be so much delay in bringing up witnesses.

Miss Mary Brand was called in. Her evidence chiefly related to the conduct of Mr. Brand at the Bank of England, where a party had gone to add fresh trustees to some stock. Mr. Brand then acted very extraordinarily. (Witness was here much affected.) Mr. Brand abruptly said he could not make the addition without the consent of the Vice-Chancellor.

By Mr. AUSTEN.—Mr. Brand's conduct was more remarkable than his words.

The CHIEF COMMISSIONER.—asked Mr. Brand if he should be ready to proceed on Monday.

Mr. Brand hoped that in this early stage of the proceedings, and when he had to summon so many witnesses, that an adjournment till Tuesday would be agreed to.

The CHIEF COMMISSIONER.—It is most important that no time should be lost in investigating this distressing case, and I am

anxious that full justice shall be done. It shall not be said that full justice was not done.

Mr. AUSTEN said delay would increase expense.

Mr. Brand.—In this inquiry, where my property and person are at stake, I think I ought to have the indulgence.

Mr. Hall (an attorney employed only to serve Mr. Brand's summonses,) said he had no time to summon witnesses, and some would not attend.

The CHIEF COMMISSIONER.—The proceedings shall be adjourned to Tuesday, and then to go on *de die in diem* till the case is gone through. Adjourned to Tuesday.

Tuesday, Sept. 1st.

At a few minutes past ten o'clock the Commissioners on Mr. Brand's commission entered the room, and the jurors' names were called over. This is the seventh day of the sitting.

The CHIEF COMMISSIONER desired the officer to inform Mr. Brand the Court were waiting for his attendance.

The officer stated, that neither Mr. Brand nor his solicitor had arrived.

Mr. Brand a few minutes afterwards entered the room. He was accompanied by the persons who had attended him on the previous day of the investigation.

Mr. PHILLIMORE informed Mr. Brand, that he had received a letter from Mr. Gregorie, the magistrate at Queen's-square, which stated, that that gentleman was not acquainted with Mr. Brand; that he supposed that Mr. White, another magistrate, was the person acquainted with Mr. Brand, but that he would attend the commissioners (although the business of the office would stand still) if it were thought necessary.

Mr. Brand said it was not necessary for Mr. Gregorie to attend.

Mr. Dunsford, examined by Mr. Brand.—Am a wine-merchant. I last saw you in June, at Sutton; it was the first Wednesday or Thursday in that month. Did not see any thing in your manner, conversation, or language, to induce me to imagine you insane.—I also saw you in April or May last. Did not imagine you insane at that time. I told you that Mr. Alderman Wood had put down 1,000*l.* for young Brand, not 10,000*l.* If you were free from restraint, I should have no fear to go out shooting with you.

Cross-examined.—I have seen Mr. Brand here during the present examination, and have not seen any thing to make me imagine him insane. I have known Mr. Brand seven years. I supplied him with wine. One year to the amount of 114*l.*, but generally to about 80*l.* a year. Do not think that to be a very large quantity for a person moving in his sphere of life.

Mr. Simmons, examined by Mr. Brand.—Am a coal-merchant.

Have seen you frequently within the last two years. Saw you at the end of last year, after your return from Paris. Did not see any thing to induce me to think you were insane. Saw nothing boisterous or crazy—nothing different from usual. Saw nothing likely to make you go mad.

Cross-examined.—Knew Mr. Brand from meeting him at a chess club. Never beat Mr. Brand at that game. The conversation at the club was not carried on silently, rather differently. He never spoke of his private affairs.

Mr. Callicourt, examined by Mr. Brand.—Am a gardener; have frequently seen you during the last two years; saw you last at Lord's Cricket-ground; it was about six or seven weeks since; you did not appear to be mad; remember going to your farm this year; you played at cricket with me; you asked me to practise previously to the match; saw nothing unusual in your conduct.

Cross-examined.—Did not hear any conversation between Mr. Brand and Mr. Hazleby on the 21st of June; had no conversation with him on that day.

Mr. Nathaniel Domet, examined by Mr. Brand.—Am a ship-biscuit-baker; remember meeting you in a stage-coach in November last; I was secretary to the chess club; did not think you were insane.

Mr. Bailey, examined by Mr. Brand. Do not think I have seen you within the last two years; certainly not within the last twelve months; have done business with you as a stock-broker; never saw any thing wrong in your conduct; know Captain Bailey, the master of the ceremonies at Margate, he is my brother; I should know him if I saw him. (Laughter.)

Mr. Brook, examined by Mr. Brand.—Am a wine-merchant at Woodbridge; have seen and conversed with you within the last two years; cannot particularly say how long I have known you, but you lived next door to me in 1819; I saw you last on the 10th and 11th of June, 1830; I conversed with you then for about two hours concerning the King's health; you asked me how my family were. Remember speaking of a relation of mine named Knight.

Cross-examined.—Have not been an intimate friend of Mr. Brand's, only an acquaintance.

By the COMMISSIONERS.—I saw Mr. Brand last week, and told him I had been subpoenaed; he replied he was very glad to see me; that he should have occasion for my testimony, but that he would not then ask me any questions; do not see any difference in Mr. Brand now and when I saw him in 1819.

By a Juror.—Have seen a person insane; a member of my wife's family. He is only occasionally violent.

Mr. F. Mathew, examined by Mr. Brand. Saw you at Mrs. Dashwood's funeral; that was about a year and a half since. Saw nothing to induce me to think you insane. I know something of lunatics, from having a member of my own family affected by that complaint.

— Hall, a labourer on Mr. Brand's farm, deposed to the excellence of that gentleman's mode of agriculture.

Mr. Harris re-called, and examined by Mr. Brand.—Mr. Alderman Wood asked me if I thought I should be safe in the house with Mr. Brand without a keeper; at that time Dr. Paris was there, and Mrs. Harris. I told him I should feel perfectly safe with him in the same chamber at night. This was flatly contradicting the Alderman's testimony

By the COMMISSIONERS.—I am sure I made use of that expression. I am certain Dr. Paris and Mr. Page asked the same question. They told me that arose from my not knowing Mr. Brand. Cannot swear which of the individuals made use of that expression, but I think they all did.

Cross-examined.—Did not see any affray between Dr. Paris and Mr. Brand. The policeman was in the passage at the time of this conversation; the keeper was in the parlour; Mr. Alderman Wood, Mr. Page, Dr. Paris, Mrs. Harris, and the keeper were present. I swear that all these persons were in the room at the same time. I do not know that any person besides the policeman was in the passage. Can't say how often the policeman was called in. Do not know whether I saw Dr. Paris speak to the policeman. On my oath, I did not see any affray between Dr. Paris and Mr. Brand. I saw the keeper and the policeman take hold of Mr. Brand by the collar.

Re-examined by Mr. Brand.—Did not witness any affray between you and Dr. Paris.

This testimony was given for the purpose of invalidating the evidence of Mr. Alderman Wood. The jury expressed a wish to recal that gentleman, but the Commissioners informed them that it was against the rules of evidence.

Mrs. Harris was recalled. She merely corroborated her former evidence, which was in direct contradiction to that of Alderman Wood.

Francis Mercier was called.—Is a member of a chess club.—Knows Mr. Brand, and thinks him perfectly sane. Had had many letters from Mr. Brand; they were rational. Had seen Mr. Brand drink a good deal of wine. Would not be in the least alarmed to be in the same room with Mr. Brand, though he were free from all restraint. Had received a letter from Mr. Brand, refusing to become a member of a chess club, because he (Mr. Brand) was fearful it would not succeed, and he should be liable to expenses. Had had frequent opportunities of seeing Mr. Brand; thought him eccentric, but nothing approaching to insanity.

Mary Brewer was called, and questioned by Mr. Brand, as also Thomas Tilley, milkman, and William Wright. They had had business with Mr. Brand, and always considered him rational. Would have no objection to be in the same room with Mr. Brand, if released from constraint.

William Wright was cross-examined by Mr. AUSTEN.—Had had conversation with Mr. Brand in June last upon matters of business.

By the CHIEF COMMISSIONER.—What did you mean when you said that Mr. Brand's farm was well farmed? I meant that it produced much more corn than it did eight years ago.

Mary Barton, examined by Mr. Brand.—Do you think from what you have seen of me that there is any necessity for putting me under restraint? (Witness is servant at Harris's hotel, and has constantly waited upon Mr. Brand.)—Witness, You always acted like a gentleman to me.

This question was put two or three times, but no distinct answer was given, and the Chief Commissioner told the witness that the jury must have an answer.

To further questions by Mr. Brand.—Witness answered that she had seen Mr. Brand drive the waiter out of his room. Had not known Mr. Brand before he came to the hotel. Should not have any fear to be in the room with Mr Brand if he were released from constraint and had a knife in his hand. Had been in a room with Mr. Brand when he had a knife in his hand. Did not think that the house smelt more than others. When witness first saw Mr. Brand did not think him exactly right, but he had been much better within the last three weeks. Mr. Brand had turned Mrs. Brand, Mary Petit, and the waiter out of the room. Was only acquainted with the servants in the hotel as fellow servants. Had never heard of any person being confined in the hotel under pretence of insanity before. Thought it would be better to keep Mr. Brand without a strait jacket, as he would be more comfortable and witness would not again have to lift Mr. Brand's wine to his lips.

By Mr. AUSTEN.—Considered Mr. Brand better within the last three weeks. Did not know how much wine he drunk. Saw Mr. Brand run out of the door with a knife and fork in his hand when he escaped from the keeper. He got as far as the Horse Guards. He threw the knife and fork on the mat of the door. Mr. Brand did not flourish the knife and fork about. Saw Mr. Brand strike Scott his keeper. After Mr. Brand got home a strait jacket was put upon him, and he said he would make his escape out of the window. Witness could not speak the name which Mr. Brand called the waiter. (Here the witness evinced much hesitation; at length she communicated to Mr. Whitmarsh the words which are unfit for publication, as well as the evidence as to Mr. Brand's feelings respecting the waiters.) Witness had been called by Mr. Brand to come and sit with him. Mr. Brand complained of smells which he told witness came through the boards, and that bad sort of people in the house created them. Mr. Brand's words were, "that the smells came from bad sort of people." He might have said unnatural people. Mr. Brand considers witness to be a real woman. (a laugh.) Mr. Brand had called witness to sit with him after having turned his wife and Mary out of the room, saying, he wanted witness and another real woman to be along with him. A scene of this kind happened on Saturday or Sunday week. Mrs. Brand let her scissors fall, and Mary Petit her cotton ball, when

Mr. Brand sent them out of the room, and called witness to sit with him. Had heard Mr. Brand say that the porter should leave England, or he would. Witness had gone many times to the water-closet with Mr. Brand. Thought the request extraordinary. No other gentleman had asked such a thing. Had never heard Mr. Brand give a reason for having witness and Mary Petit to go with him. She was asked and went. Had gone with him after he came four or five weeks into the house up to the present. Had never had any conversation with Mr. Brand on the state of his mind. Mr. Brand had said to witness, that he had had a great deal of trouble, enough to turn him out of his mind, but that he was not mad or insane. Mr. Brand had never said to witness that he was confused in his intellects.

By Mr. Brand.—Witness would consider it a crime to stick a knife into the body of any person who would attempt to confine her as a madwoman. Mr. Brand was quiet when he had all he wanted—his brandy-and-water, his cigars, his lemonade and wine. Had never seen a waiter attempt to kiss Mr. Brand on his way to the closet.

By the CHIEF COMMISSIONER.—There were no smells from the water-closet. Mr. Brand had expressed his feelings about the smells three weeks ago. Orton the keeper and Mary, had gone to the water-closet within the last few days with Mr. Brand.

By Mr. Commissioner BLUNT.—The window from which Mr. Brand said he would escape was on the second floor.

Mr. Whitmarsh.—You have not yet answered the question whether or not you have ever seen any thing in Mr. Brand to induce you to believe that a strait jacket ought to be placed upon him?

Witness.—I swear I have not.

By Mr. AUSTEN.—Captain Rowley was introduced by Mrs. Brand to Mr. Brand, as the Duke of Wellington.

Elizabeth Jehn was called and questioned by Mr. Brand.—Had seen Mr. Brand many times, and always considered him sane. Mr. and Mrs. Brand had always appeared happy before the mad doctors came to see him.

By Mr. AUSTEN.—Had not seen Mr. Brand since June.

Tyrrell Fairhead, of Sutton was questioned by Mr. Brand.—Was carpenter to Mr. Brand. Received orders for a coffin from Mr. Brand for a funeral at Bawdsley. Had done other work for Mr. Brand. Never considered him mad. Considered Mr. Brand had gone the cheapest way to work in using his own timber in building. Mr. Brand was quite collected in settling his accounts. Witness considered Mr. Brand quite in his senses, and would not be afraid to be alone with Mr. Brand if released from constraint. Had purchased wood of Mr. Brand at fair prices. Never saw the slightest symptoms of insanity in Mr. Brand.

Mr. J. Coope, a director of the Pelican Insurance Office, and Mr. Samler, another of the directors, spoke to the fact simply of Mr. Brand's having mortgaged part of his property for the sum of

Cross-examined by Mr. Brand.—Could not say that any of the clerks in the Pelican office were liable to take fits of the ague when persons called on business at the office. (A laugh.)

Mr. I Piddington, a land-agent, &c., residing in Hatton-garden, had a conversation with Mr. Brand that morning. It was on the subject of farming. The conversation was as sensible on the part of Mr. Brand as most people's; thought Mr. Brand was in his sober senses. In reference to agricultural concerns, Mr. Brand said that he grew turnips without manure, which he reserved against winter. Considered Mr. Brand's plan as a judicious one, taking into consideration the light and sandy soil of which Mr. Brand spoke at the time. The witness then went into further details respecting Mr. Brand's mode of farming, as stated that morning, all which witness considered to be consistent with the most improved or judicious modes of husbandry.

Cross-examined by Mr. AUSTEN.—Witness had never seen Mr. Brand till that morning; the conversation was started by Mr. Brand! was not carried to him; went of his own accord with a friend; stated if summoned to give evidence of Mr. Brand's state of mind before Commissioners, would attend; only knew of Mr. Brand through the medium of the public newspapers.

By Mr. PHILLIMORE.—Mr. Brand's mode of farming is generally adopted in Suffolk, especially on light soils.

Mr. Marriott, one of the magistrates of Queen-square, examined. Thinks that it was in July last that Mr. Brand was brought before the magistrates for having assaulted Mr. Harris; remembered being struck with Mr. Harris's conduct on that occasion; thought both from the verbal evidence on oath, and from the tenor of the letters written by Mr. Brand to the Duke of Wellington and Sir Robert Peel, he (witness) could come to no other conclusion than that Mr. Brand's mind was considerably affected; required him to give sureties that he would keep the peace; the magistrates knew in such cases that some delay in finding the bail takes place; embraced that opportunity of having the opinion of the medical attendant of Tothill-fields prison relative to Mr. Brand. Witness was not aware that Mr. Brand had been placed in a strait waistcoat when committed to Tothill-fields.

Cross examined by Mr. Brand.—Witness is a paid magistrate. All police magistrates in the metropolis are paid.

Mr Charles Dunne, Surgeon.—Is a member of the Royal College of Surgeons in London, and of the Faculty of Medicine at Paris and author of several works on insanity. He begged permission as well first to repel a dastardly and cowardly attack made upon him by the *unfledged* counsel, Mr. Austen, as to lay before the jury, briefly the moral and physical causes of madness: which was so necessary for the jury to understand previously to their giving their verdict in a disease in which they were perhaps ignorant of its symptoms; but, the Chief Commissioner desired that he would content himself with answering questions put to him; the jury did not

require to be enlightened on the subject. Believed the conduct of Dr. Paris, Mr. Alderman Wood, a police constable, and those men accompanying them to Camberwell, armed with a strait-jacket, was sufficient, if Mr. Brand were not a man of very strong mind, to drive him mad. Witness had made notes on Mr. Brand's case; but, unfortunately, he had not received them from the printer's; but he said he had his work on insanity in his hand, from which he was desirous of reading some extracts; he was stopped, however, from proceeding by Mr. Phillimore, the Chief Commissioner, who inquired how long he had known Mr. Brand.—He had known Mr. Brand only since Friday week, but he had seen him since almost every day. He saw that there was a feeling against any one who spoke in favour of Mr. Brand. He had received several letters from that gentleman. The letters No. 1 and 2 were read.

*"Harris's Coffee House, Parliament-street.
Sunday, August 22nd, 1830.*

(No. 1)

"SIR,—I beg to return you my sincere thanks for the prospectus of your valuable work; I say valuable, because any work which tends to bring into notice the present treatment of real or supposed Lunatics must be beneficial. I have requested a Solicitor to serve you with a subpœna, having observed that there was some feeling on the part of the Commissioners against your attendance. I hope that you will watch the proceedings narrowly, not only for the sake of justice to an individual, who is unprovided with legal or medical advisers of his own chusing, but also that you may be enabled to embody the case in your work in such a manner as may be useful to the public and to the medical world.

I have the honour to be, Sir,

CHARLES DUNNE, ESQ.
&c. &c. &c.

Your obedient Servant,

JOHN BRAND."

*"Harris's Coffee House, Parliament-street,
August 23rd, 1830.*

(No. 2)

"DEAR SIR,—I have just received the note you were so kind as to write to me, and I shall feel much obliged if you will favour me with a call as soon as convenient. I have no medical attendant except those who are employed by the very persons who have taken out the Commission of Lunacy against me; and I therefore shall feel obliged by your professional attendance. You will further oblige me by ordering for me *at my bookseller's* two or three books which I wish to quote for my defence, as I have had no consultation with any legal adviser; legal assistance has been nominally granted me, but virtually denied me; however, my defence is very easy before an impartial jury of educated men;—I mean, my defence *would* be very easy, if difficulties were not thrown in my way, and if I were accustomed to plead in law courts.

I remain,

CHARLES DUNNE, ESQ.

Your obedient Servant,

JOHN BRAND."

In the course of the first, Mr. Brand said he had thought it necessary to serve Mr. Dunne with a subpœna, as he perceived there was a feeling on the part of the Commissioners against his being examined. The Court disclaimed any such feeling. In another dated the 23rd of August, Mr. Brand complains that a smell, which was thrown into his room there, when the dinner-cloth was laid, was insupportable, and he begged Mr. Dunne to come and protest against it. In the other letters, he gave Mr. Dunne directions with regard to certain persons upon whom he requested him to cause subpœnas to be served. The counsel discovered on one of the letters the words, *Omnes homines insaniunt*.

Mr. Dunne explained that this was written not by Mr. Brand, but by himself, as he had shown in his work that all men are mad at times; that is, if passion, slight delusions, and drunkenness, be considered madness; in fact, that a uniformly cool and sedate reign of reason is rather an artificial than a natural state of the order of the human mind. Witness mentioned as a proof of Mr. Brand's sanity, that he had given him a memorandum describing a picture consisting of a scene from the Vicar of Wakefield; and that, when applied to for another memorandum, he gave it almost precisely in the same words. Witness observed that there were many species of insanity, and it was not suggested in this case whether Mr. Brand's supposed insanity arose from moral or physical causes. He was about to proceed in an argument on this subject, but the Court said that it did not relate to the matter of the inquiry, which was, whether there was insanity existing or not. He solemnly swore that he did not believe Mr. Brand to be insane, because he had just perceptions, and was capable of reasoning correctly on any subject. He conceived false perceptions and erroneous reasoning to be what is generally termed madness. Mr. Brand.—What would you think of a doctor who would swear I was mad?—I should not believe him on his oath. What is your opinion of the conduct of my persecutors?—My opinion is that it savours strongly of a conspiracy. Witness was then asked his reason for thinking Mr. Brand sane.—He said that, in his judgment, no man who was insane would be capable of writing such letters as those just read. His conduct whilst witness saw him here had been strictly correct, in every sense of the word. He also thought his address to the jury was such as it was impossible for any insane man to make. His manner of examining the witnesses furnished another reason for believing him to be sane. A proof of his sound mind too was also to be found in his quiet and peaceable conduct both here and where he lodged; and the numbers of conversations which witness had had with him confirmed his belief of his sanity. The being dragged by Harris, of the Coffee House in Parliament-street, where he lodged with his wife, from his bed-room to a watch-house, confined there all night, and next day taken before a magistrate and then to a prison, from whence he was discharged only to have a strait-waistcoat put on, were exciting causes sufficient to produce insanity in a weak mind; but he did not think that they had produced that effect on Mr. Brand.

Harris, his son, and the keeper threw obstacles in the way of witness's attendance on Mr. Brand, saying that he should not remain with him more than a few minutes, and a delay had often taken place in introducing him. Mr. Brand had said to witness, that he dared to say that they would not permit him to come in until they had removed the smell which was in Mr. Brand's room. Witness formed his opinion of insanity in a great degree from the look of the eye, and the tension of the temple. The pulse is generally quick, the tongue often furred. He had not perceived those symptoms in Mr. Brand. Smoking many cigars, especially if the stomach was foul, would make the tongue furred. He did not think that Mr. Brand belonged to any of the four genera, or twenty six species of insanity. If he were under witness's care he would immediately release him from restraint. Notwithstanding all that had occurred, he was convinced that there was not the slightest necessity for keeping Mr. Brand under restraint a single moment, and that it was highly injudicious to apply the strait-jacket.—Had had much practical experience in this malady in England, France, Holland, and the West Indies.

The witness was cross-examined, and, in one of his replies to Counsel, (Mr. AUSTEN) said, that the memory of that gentleman (Mr. AUSTEN) must be very bad, which was a symptom of insanity. He was first introduced to Mrs. Brand in this room. He afterwards waited on him at his lodgings, in consequence of his having received the letter No. 2. He did not recollect whether he had received a letter previously, but he did not see that that circumstance was of any consequence; therefore the Counsel might think what he pleased of it; in fact, he had volunteered, in consequence of the indignation he had felt at the manner in which Mr. Brand was treated, and of his being without a medical or legal adviser. His indignation was, if possible, still more roused at seeing a sane man in this *boasted* land on his trial, unnecessarily pinioned in a strait-jacket, and exposed to the gaze of the multitude, when even the furious felon has his irons struck off, and stands unshackled in the presence of his jury and his judge; but, said the witness, if something were wanted to finish the picture, we had a medical man state upon his oath, that the prisoner (who was so manacled and in custody of two ruffianly keepers) was a dangerous madman; and that it would be perilous to loose his arms, although the court, jury, and the public, had witnessed for nearly eight days the extraordinary peaceable and mild disposition of this gentleman, and his unusual tranquillity under such an accumulation of misfortunes. Witness did not envy the man who could conscientiously make such an affidavit. The Commissioners frequently interrupted the witness, observing, that they would hear no explanation, either as far as regarded insanity or otherwise; he must answer questions without any explanation, for he must recollect they had great power. Witness replied he was called upon by Mr. Brand to state all he knew of the matter in question. He would fearlessly do so to the best of his ability, disregarding the threats of

any man ;—he came here to do a duty, and do it he would, or he would beg leave to withdraw. He saw the poor man was without any legal advice whatever, whilst Mr. Serjeant TADDER, one of the most able lawyers in the country, and his *assistant*, Mr. AUSTEN, together with Messrs. Moody and Paynter, besides very *clever* attorneys Messrs. R. G. and H. Burfoot, all arrayed and marshalled against him,—whilst Mr. Brand had not even one humble voice, except his own, to sound a syllable in his hapless case.

To the CHIEF COMMISSIONER.—He did not examine Mr. Brand on his insanity, for he did not believe him to be insane. He did not question him upon any particular subject of supposed delusion, but talked to him as one gentleman would to another.

We might ask Mr. Phillimore in our turn, *who can mark precisely the frontiers*, the almost *imperceptible limits* which separate insanity from sanity, who can number the degrees, by which reason declines and falls into annihilation?

“This would be to prescribe the limits of that which is illimitable, to give rules to folly, to be bewildered with order, to be lost with wisdom. The doubtful and uncertain point at which reason disappears, and where incapacity becomes evident and manifest, can only be fixed by the particular circumstances of each individual case.

“And to have a sensible proof of this, let us examine the case of those who are only affected upon one or two principal points; one person is always seeing precipices, another supposes the people want to stop him; one transforms himself into a beast, another by a folly still more outrageous believes himself to be God. If you do not introduce these subjects, they will appear reasonable as to every thing else; put them upon these points, they immediately discover their weakness. The madman who believed that all the merchandize which came into the port of *Pyreum* was consigned to him, could still judge very reasonably of the state of the sea, of storms, of signs, from which he might hope the safe arrival of vessels, or apprehend their loss. The person of whom Horace has given so ingenious a picture, who always thought he was attending at a shew, and who, followed by a troop of imaginary comedians, became a theatre to himself, in which he was at the same time both the actor and the spectator, observed in other respects all the duties of a social life.”

“Cætera qui vitæ servaret munia recto
More, bonus sane vicinus, amabilis hospes.”

EXTRACTS REFUSED TO BE RECEIVED BY THE COURT IN MR. BRAND'S CASE, FROM MR. DUNNE'S WORK ON INSANITY, &c.

In the following extracts madness is distinguished into its several genera and species; and it is submitted that a jury, previously to their coming to a decision respecting the insanity of any individual (especially one who as in Mr. Brand's case, was in the first instance locked up in Prison—stript of all his property, then put on his trial without the means of procuring either legal advice or medical assistance,) should have at least presented to

them a distinct and tangible description of the peculiar species of madness, with which the individual is supposed to be afflicted. Otherwise the jury, having no just materials for forming a decision, are in danger of confining a sane fellow creature in a madhouse the worst of all prisons,—perhaps for life, upon the mere certificate of a Medical man,—as unfortunately occurred in the cases of Ann Daentrey—Rex v. Elliott and wife—Mr. Foster, Mr. Joddrell, subsequently found sane by a decision of the Court of King's Bench, and latterly the distressing case of Mr. Davies, fresh in the minds of our readers, the investigation of which lasted for a fortnight, and who was ultimately proved to be perfectly sane, although his insanity had been *sworn to* by several physicians.

In all cases of madness it is with the accusers to explain to the satisfaction of the court and jury the nature of the charge, by declaring to which of these different species of it, the supposed madman belongs; if they are *unwilling* to do so, such unwillingness argues their *inability*; and if they are *unable* to do so, the jury can never pronounce a conscientious verdict against the accused. It is hoped that this jury will deliberately compare the indications of mind evinced by Mr. Brand for the eight days during which he has been before them, with our descriptions of the genera, species, and varieties of insanity—and if they cannot find, in this review of his conduct, any symptom here noticed, they may assure themselves that he is not a Lunatic, and will accordingly give a verdict in his favour.

It is to be remembered that a lunatic is, properly, a person labouring under any distemper which increases and diminishes, or goes off again, at different times of the moon. Such a person, however, has always lucid intervals. The term "lunatic" (*lunaticus*) owes its origin, according to Galen, Aretæus, and Mead, to an opinion that mad people (and epileptic patients, who also were called *lunatici*) were influenced by the changes of the moon (*Luna*.) According to Cullen, "Insania, insanity, or deranged intellect: a genus of disease in the class *neuroses*, and order *vesaniæ*."

Under the general term madness (*vesania*) are classed diseases affecting, principally, the functions of the mind, without fever, or any acute disease of which they are symptomatic. Dr. Battie, in his treatise on madness, uses the term "*mania*," for the *most* violent and acute species of delirium, arising from a perturbation of the imagination and judgment; and he observes that the signs of it are, a bold and resolute aspect, eyes suffused with blood, a tremulous motion of the eye-lids, great pride, discovering itself in the countenance, voice, and gesture; a grinding of the teeth, an uncommon hatred to particular persons; little sleep, a violent cephalalgia, a quickness of hearing, a ringing in the ears: but he says it is to be observed, as to the first-mentioned symptom, that those persons who have become mad through fear have always in their aspect a mixture of that terror the object first gave, and of that natural boldness which arises from madness. The persons, he says, subject to this malady are principally men of a choleric habit of body, and of violently passionate dispositions. Those who have continual domestic quarrels are also frequently thrown into madness by them.

Madness, then, considered as a delusive sensation, unconnected with any other symptom, requires the patient's being removed from all objects that act forcibly on the nerves, and excite too lively a perception of things; more especially such objects as are the known causes of his disorder.

I am aware, nevertheless, that it is often difficult to ascertain the actual existence of madness, as the disease may be feigned for various purposes, and a medical practitioner put to great difficulty in order to decide on the state of the patient's mind. It is manifest, therefore, that the physician should pause before he stamps on the forehead of a man the indelible mark

of insanity. And this opinion is confirmed by the case of a Mr. Matthews, confined in Bethlehem, in 1797, whose relatives employed two eminent physicians to examine into the state of his mind; who, without hesitation, pronounced him perfectly sane. These, were however, met on the other side by eight physicians, whose affidavits, in contradiction, affirmed him to be a dangerous madman.

It is clear, therefore, that no opinion should be hastily given on one visit, but after repeatedly observing the patient, in all situations, and at different times. No person labours under this malady without having lucid intervals; and if the visit is made at that time, and it is the interest of his attendants he should appear sane, the practitioner will be imposed on by his temporary state of mental recollection. On the other hand, where it is the wish of the friends to exhibit him in an opposite state, a mild disease may appear highly formidable, by the patient's temper being purposely exasperated, with an interested view, to show him in all his deformity.

Sophocles, having been accused of madness by his sons, who wished to obtain possession of his estate; when called on for his defence, read, without preface, a tragedy, which he had just composed. During his recitation of the powerful scenes to which his noble imagination had given birth, his audience were affected by all the different emotions which such poetry as his could not fail to awaken. After concluding the tragedy, he sat down. That was his defence! was the author of such a work insane? It is superfluous to add, that his unnatural sons were dismissed amidst the public execration.

But, in my judgment, there is a certain extravagance of conduct, which, while it has the appearance of insanity, in committing actions tending to a man's own ruin, and even that of his family or connexions, cannot be brought under this description. Such individuals, though they act improperly, are still capable of just PERCEPTIONS and REASONING,—and it is the FALSE PERCEPTION and ERRONEOUS REASONING in which madness properly consists. There is also a weakened state of mind, from previous disease, general relaxation of habit, or other constitutional causes, which renders it doubtful if the patient can form a just opinion in the disposition of his affairs. This can only be known by conversing with him, without the presence of any one of whom he may stand in awe, or who is interested in his conduct.

There is a singular provision in law, which gives to the actions of the maniac, during the lucid interval, the weight and authority which belongs to the conduct of one of sound mind. This, however, which takes place in criminal cases, is not admitted in civil law. Many instances have occurred where the maniac, though admitted to be so, has suffered for the temerity of his actions. This was strongly instanced in the cases of Lord Ferrars and Mr. Oliver. The insanity of Lord Ferrars was well known; but in the perpetration of the murder of his steward, there was a method and system of conduct observed, which, perhaps, showed him aware of what he intended. On these grounds even the royal clemency was withheld from him; and the answer of George II., that "The sooner a mad dog was hung the better," deserves to be recorded.

A celebrated Latin author states, that "*nemo mortalium omnibus horis sapit*," "no man is wise at all hours." Horace also says, "*Ira est furor brevis*," (rage is short madness). Boileau on the same subject says, "*Tous les hommes sont fous*." My own opinion, "that every man has his deranged moments; in fact, THAT A UNIFORMLY COOL AND SEDATE REIGN OF REASON IS RATHER AN ARTIFICIAL than a natural state of the order of THE HUMAN MIND," has been long before the public, in my work read in the Institute of France, and deposited there by the unanimous voice of

its members, and I insist that the chief symptoms of madness are the appearance of the eye and the state of the pulse; the former being wild and unsettled; the latter always hurried. The skin of the temples too, is often tense. To this may be added, that when threatened with severity, the patient is soon reduced to calmness, and exhibits evident marks of cowardice. The habit of the patient is also generally attended with costiveness, and often a great difficulty of causing vomiting.

The return of sanity is a point, also, which is sometimes difficult to establish; for a wildness of look and quickness of manner will often continue where the intellects have regained a degree of soundness; and the opinion must be regulated by the actions of the individuals, independent of appearance.

If acts of drunkenness were construed into insanity, a large portion of the population of Great Britain and *Ireland*! would soon become the inhabitants of mad-houses. It is unquestionable that some men of the first talents, when in a state of inebriety run into the extreme of outrage and *madman-like conduct*—witness a Sh——n, a F——x, a P——tt, and others, as well as an admirable actor of our times, a *man*, so fitted by talent to portray men and manners; a *man*, who stands unrivalled in delineating the passions of human nature, is, when under the influence of wine, to a certain extent insane; but I deny, that even when, in that state he breaks the looking-glasses, sallies out, breaks the lamps, beats the watchmen, kicks the waiters out of the room, all this would prove him wanting sound sense, or incapable of taking care of his person and property.

Esquirol, of the Lunatic Asylum, at Paris, called the Saltpetrière, the most celebrated author that has ever written on this disease, divides the moral and physical causes of madness into twenty-six different species.

Physicians, and particularly the celebrated Dr. G. Pearson, have divided Vesania into four genera: 1. Amentia; 2. Hallucinationes; 3. Melancholia; 4. Mania.

Vesaniæ: Diseases affecting, principally, the functions of the mind, from supposed diseases of organs in the brain; without fever, or any acute disease of which they are symptomatic. Very often visibly diseased parts of the brain; or on the contrary, the exciting causes of the morbid states of this class. The exciting cause may, perhaps, subsist in other parts besides the brain. Many of this class alternate with other diseases. The knowledge of the exciting causes affords the best principles of practice.

1. *Genus Amentia.* Impairment or abolition of certain functions of the mind.

1 *Species Fatuity partial.* Faculty impaired or abolished, of acquiring, or having notions excited from sensations by external objects.

Varieties. 1, According to the kind of notions not excitable. 2, Degree of stupidity. 3, The occasional cause.

2 *Sp. Recollection impaired.* Faculty affected, of voluntarily recalling or exciting notions formerly excited.

Varieties according—1, To the objects effaced from the memory. 2, The kind of excitant, comprehending *association*. 3. The occasional cause.

3 *Sp. Judgment, or Reasoning Power impaired.* Shown, by inability to perceive the connection of things as causes and effects, and other relations to one another—without active or vigorous exertion of the mental faculties.

Varieties. 1, Very numerous according to the kind of subject, on which the mind is unable to judge, and reason rightly: and according to the state of other mental faculties with which it may be joined.

Note.—Deficiency of common good sense, or judgment, may be conjoined with genius.

4 *Sp. Imagination impaired.* Implies impaired recollection: and læsion

of a peculiar faculty of conjoining different notions, and perceiving resemblances.

5 *Sp. Fatuity universal, or Idiotism*; Stultitia, Impairment of the faculty of exciting, or having notions excited, with deficiency of *memory, judgment, and imagination*.

Varieties. 1, From age: second childhood. 2, Organic disease, including external injuries. 3, Other diseases. 4, Emotions and passions.

2 *Genus Hallucinations*. Morbid imaginations. States of the mind, in which things are imagined to be present, which do not then exist—but are mere illusions—in other respects frequently sane.

1 *Sp. Hypochondriasis, or Hypoehondriæ Disease*. Belief of diseases, or states of the constitution, which do not exist—solieitude concerning health: trifling symptoms produce alarm, and apprehension concerning health—often attended with dyspepsia, and real disorder of the nervous system.

Varieties according to—1, Kind of imaginary diseases, viz. Syphilis imaginaria, Tabes, &c. 2, Kind of depressing passion, viz. paupertatis timor. 3, Imaginary states, viz. belief that the person is metamorphosed; that limbs are become brittle as glass, &c. &c.

2 *Sp. Emotions and passions from belief of objects*, which have no longer any existence: in other respects, there may be rationality, and no illusion.

3 *Sp. Dæmonomania*; Belief in seeing, and having intercourse with spirits, and dead persons: or in the immediate agency and interference of supernatural agents or spiritual beings, in the production of natural events.

Varieties. 1, Belief in being possessed, or tormented by spirits. 2, According to the kind of illusion.

4 *Sp. Miscellaneous*, comprehending cases of mere imagination of various different states of external bodies—of innumerable different objects which do not exist, viz. inverted objects, vertiginous, luminous, magnified, double; hearing of sounds, &c. &c. *Note*.—*Hypnobotaxis, or Somnambulism*, belongs to this head.

3 *Genus Melancholia*. Melancholy,—Depression of all the mental faculties: hence unjustly, or irrationally, a state of anxiety: apprehension of danger; despair; despondency; profound meditation; solitude.

Species and Varieties according to—1, The exciting or occasional cause. 2, The object of pursuit or aversion, viz. *Nostalgia*, &c. 3, The faculties most affected.

4 *Genus Mania*. Madness, Insanity.—From a diseased state of the mental faculties, certain stimuli or excitants occasion what is popularly esteemed, absurd reasoning, inconsistent discourse and irrational conduct—mistaken ideas of sensations for those of irritation, or fancies for realities.—Vigorous exertion of the faculties of the mind—Designs cunning.

1 *Sp. Furious Madness*. Chronic ferocious delirium—Ravings—Furious conduct, with preternatural muscular strength—Generally want of courage—often with diseased organization of the brain—Unsusceptibility of the agency of many excitants in health—tenacious excitability.

Varieties. 1, Irrationality on all subjects. 2, On particular subjects only, or partial insanity. 3, According to the exciting causes. 4, The kinds of emotions, and passions: of pleasure, or aversion, viz. erotomania; superstitious hopes; love; pride; mentis gravis error.

2 *Sp. Tranquil Madness*.—Erroneous judgment, with conduct not violent—object of pursuit, or aversion, irrational or absurd—some opinions absurd, but rational on most topics—usually capricious, jealous, and suspicious—often with acuteness of mental powers and genius.

Varieties. 1, According to the kind of pursuit, or aversion, or maniacal idea, on which irrational—fear of illness or death, &c. 2, The particular absurd opinions. 3, The exciting causes.

EIGHTH AND LAST DAY.

Wednesday, Sept. 2nd.

The commissioners in the commission of lunacy against Mr. Brand assembled again this morning, and several of Mr. Brand's servants were examined.

Mr. Brand expressed a desire to recall Mr. Dunne, the surgeon, who was examined yesterday afternoon in opposition to the commission.

Robert Harrington, examined by Mr. Brand.—Am game-keeper to you; have known you sixteen years; have worked on your farm seven years. Never saw any thing in your conduct or language to make me suppose that you were mad. Remember being watchman in the yard on the night of Mrs. Dashwood's death; remember speaking to you the next day, and attending the funeral a few days afterwards; did not see any thing in your conduct at the funeral to make me suppose you were insane; I watched over the grave the night of the burying; saw you there that night; you told me I was asleep, but I was not when I spoke to you. (Laughter.) I saw you the last time you were at Sutton; remember your feeding the fowls; it rained very hard; do not think you were insane to go into the barn to get out of it. Am no judge of farming, but I have been a labourer, and think the farm doing very well; recollect your planting trees; you superintend your own plantation, which I think thrives as well if not better than your neighbours'; should not be afraid to be in a room with you alone.

Cross-examined.—Have not remarked much difference in Mr. Brand's conduct since Mrs. Dashwood's death. Do not know whether I told any body there was a great difference in his conduct. I recollect saying he was very talkative. Do not know that Mary Thorpe is at Mr. Brand's house.

Sarah Matthews, examined by Mr. Brand.—Am wife of one of your game-keepers. Have frequently seen you during the last two years. Have entered into conversation with you thirty times during that period. Never saw any thing in your manner, conversation, or language, to make me think you mad. Had seen you within the last four months—since you have been married. You sat down in my cottage with your wife one day when it rained; did not think you mad at that time; do not think you mad at this moment. If you were released, I should not be afraid to be in this room with you alone, or in the plantations. (Laughter.)

Cross-examined.—Did not see Mr. Brand's marriage; did not see the procession; saw Mr. Brand and his wife at my cottage on the

day he was married; do not recollect his making any particular observation. I keep Mr. Brand's fowls.

Henry Matthews, examined by Mr. Brand.—Am a gamekeeper. Have seen you frequently during the last three years. Have seen you a few times on the cricket-ground. Never saw any thing to make me think you mad.

Cross-examined.—Remember being out coursing with Mr. Hughes and Mr. Brand in April. Remember a grayhound belonging to Mr. Hughes. Remember Mr. Brand saying something about killing the dog. It arose in the following way,—a wounded partridge got up, and the dog was just going to catch it, when Mr. Brand said, "Don't let him kill the bird—kill him rather than let him do it." I may have said that Mr. Brand was not the same man since Mrs. Dashwood's death. I have remarked that he has been very low-spirited since that time.

Re-examined by Mr. Brand.—I spoke to you on the cricket-ground on the day of the Bury match. You desired me to buy some guinea-fowls.

Mr. Brand.—Are you sure they were not pea-fowls?

Witness.—I beg your pardon, they were; it is my mistake.

Mr. Brand.—Do you think me a goose (laughter) for that? No, Sir.

Mr. Brand.—Did you think that I intended you to kill the greyhound alluded to?—No, Sir, it was only an exclamation.

Mrs. Mercier, examined by Mr. Brand.—Have entered into conversation with you during the last eight months more than once. Saw nothing in you to make me suppose you were insane.

Cross-examined.—Am the wife of the gentleman who was examined here yesterday. It was in the spring that I last saw Mr. Brand.

Mr. William Clarke, examined by Mr. Brand.—Am in no profession, I reside at Cheshunt. Saw you last Saturday at Harris's Hotel, in Parliament-street. Saw nothing to make me think you were insane, or inclined to be so. Should not be afraid to be alone in your company if you had a knife in your hand or a dozen pistols.

Cross-examined.—I think I was about an hour and a half in Mr. Brand's society. I am an acquaintance of Mr. Brand's: I introduced myself to him. I wrote a note to him, and took it to the hotel myself. I gave it to the servant, and Mr. Brand sent down word for me to step up. I wrote a note to him previously, and signed it a "Well-wisher, though a Stranger." I wrote these notes in consequence of Mr. Brand's stating that difficulties had been thrown in his way to obtain evidence. I see no impropriety in visiting a person supposed to be a lunatic. Have studied books upon lunacy. Have read four or five books upon that subject. I conversed with Mr. Brand on the symptoms which Harris, the hotel-keeper, said he laboured under. I would pursue the same course again if I

heard a person say he had difficulties thrown in his way. I considered Mr. Harris's evidence ill-natured : I only partially believed it. I cannot say that I knew Sir G. Tuthill had been examined. I knew (from the journals) that Dr. Paris had been examined. Even knowing that circumstance, I would have gone; but I must explain the reason.

Here the Counsel insisted upon his right to go on with the examination, but the witness refused to answer until he had explained.

The Commissioners at length decided that he was entitled to explain.

The witness then said, I believed that the physicians had only seen him when he was labouring under excitement from policemen being forced into his house, and that they had formed their opinions at such periods.

Counsel.—Do you think any person but a madman would have said, “ If you come near me I will thrust a knife through your heart ? ”

Witness.—If any persons came to my house, to take me in the same way from my home and family,—I speak as the father of a family,—I would thrust a knife through their hearts. (This was spoken with emphasis, and the persons at the end of the room received it with applause.)

The Commissioners ordered the officer to take any person into custody who interrupted the proceedings.

William Ward, M.P., was next called.—Had met Mr. Brand at the Marylebone cricket-club. Saw nothing in him to think him insane. Thought him rather shy. Was at Winchester College shortly before Mr. Brand. Mr. Brand had, to his knowledge, always conducted himself properly, and in a respectable and gentlemanly manner.

Witness is one of the Commissioners of Lunacy. Thinks it difficult to judge in these cases, and would be very reluctant to give an opinion.

Harriet Calthorpe, housekeeper to Mr. Brand.—Have never considered Mr. Brand mad.

By a Juror.—Can't say how much wine Mr. Brand drank daily.

Mr. W. Horne also deposed as to his knowledge of Mr. Brand. Never thought him insane.

Mr. T. Hall, solicitor.—Had conversed frequently during the last week with Mr. Brand. Was annoyed by a smell in Mr. Brand's room at Harris's hotel, and his head was affected.

By. Mr. AUSTEN.—Thought the smell gas. Had requested Mr. Brand to abstain from speaking of his own affairs.

The CHIEF COMMISSIONER.—Very proper.

Mr. Moody, barrister, examined.—Had been acquainted with Mr. Brand for twenty years. Was at Winchester school with him, and subsequently at Trinity college, Cambridge. Has throughout been on terms of intimacy with him. On the twentieth of April, Mr. Brand called on witness and asked protection. He was agi-

tated. He then alluded to certain transactions at Bordeaux, and begged for protection. He said the people were turned against him; that he found people's minds very much set against him: and he could not go any where without people turning their faces to him, or pointing at him as a person under great disgrace. Witness begged Mr. Brand to explain particulars. He would not state these, but alluded ambiguously to some former transactions of his life, particularly to something that had taken place at Bordeaux: in reference to that affair, said that M. Le Marchant had promised to speak to the Duke of Wellington about him, stating at the same time that Le Marchant was acquainted with the Duke of Wellington. He continued, that certain stories against him were in every body's mouth, and that they had actually got them introduced to both exhibitions of paintings; that there were pictures there of certain persons with whom he had been acquainted in former life. Witness pressed Mr. Brand to state, if he could, why these matters should have become public, and why the painters should know of them. He said he could not tell, but he was persuaded that the painters had been prompted by some enemies of his to paint them. Among the artists' names, he pointed out that of Miss E. Sharpe, as one of those who had painted in this manner. Witness pointed out the improbability of the painters knowing any thing of such matters. Mr. Brand still persisted in maintaining such belief, and requested witness to accompany him to the Suffolk-street gallery. During the whole of these communications Mr. Brand was under great apparent agitation and distress. He left witness, and soon after returned in a little hired carriage to witness's chambers in the temple. Witness was exceedingly struck and distressed at witnessing Mr. Brand's manner, but had not then formed the idea that he was deranged; supposed that there might have been some transactions of his life with which witness had not been made acquainted. Before going to the exhibitions in Suffolk-street, called at Mr. Paynter's; saw a letter at Mr. Paynter's chambers from Mr. Brand to M. Le Marchant; on seeing that letter, it immediately flashed across witness's mind that all he had heard and seen lately of Mr. Brand was the force of delusion. In two hours after Mr. Brand came to witness, and said that the villany was all out, and would be explained at the exhibition: witness inquired what Mr. Brand meant; was told that he must look about the gallery; witness did so. look about, but saw nothing in the pictures to strike him as having particular allusion to Mr. Brand. He then placed witness opposite some particular pictures, and asked him if he did not in them recognize some particular persons. The pictures were not portraits: one in particular, which, he was desired to look at, was a group from the "Vicar of Wakefield;" saw no likeness in it to any body he knew, and told Mr. Brand so; he continued to point out other pictures, and asked if he did not in them recognise some particular persons. The pictures were not portraits; one in particular

which he was desired to look at was a group from the "Vicar of Wakefield;" saw no likeness in it to any body he knew, and told Mr. Brand so; he continued to point out other pictures, which he said were portraits of certain women; witness told Mr. Brand that he must be mistaken; he also talked of having seen persons who had been dead some time prior, whose portraits he also pointed out in a similar manner. Witness was then perfectly satisfied that Mr. Brand was labouring under delusion. Went with him again at his request to Suffolk-street and to Somerset House. On both these occasions the same procedure took place; the persons chiefly in Mr. Brand's mind were a Mrs. Carr, and Sarritt, a chess-player. Witness saw him again: he was in great distress; he said to witness that he (Mr. Brand) had seen Le Marchant, who, he stated, had told him, he (Le Marchant) did not know the Duke of Wellington. While writing, Mr. Brand appeared unable to collect his thoughts. Mr. Brand stated to witness that he was under that difficulty. He said his mind was so overwhelmed with business that he could not recollect what he was about; and Mr. Brand faltered very much while speaking; his hand shook, and he appeared to be under great agitation. Witness had gone two or three times to see Mr. Brand. An impression appeared to exist on Mr. Brand's mind that some villany had been practised against him. Witness saw Mr. Brand four times between the 14th and 18th of May.

By the CHIEF COMMISSIONER.—Had not seen Mr. Brand since the 21st of July. Saw Mr. Brand then with Dr. Babington. The conversation turned upon Mr. Brand's bodily health. Witness put questions to Mr. Brand, and from his answers, witness thought the impressions on Mr. Brand's mind were the same. Dr. Babington cautioned Mr. Brand against drinking. Mr. Brand said, he would drink, and nothing should prevent him; or words to that effect. Witness went with B. Carthue to see Mr. Brand in Tothill-fields prison. Mr. Carthue sent in his card, and when he and witness entered the cell, they found Mr. Brand looking at the card, and asked us which was Mr. Carthue. It was perfectly light, and after a short time Mr. Brand recognised and distinguished us both. We tried to talk to him, and put questions to him about the management of his farm at Sutton, and the management of his business. He refused to answer, or was unable to do so. The impression on my mind was, that he was utterly unfit to talk about or discuss business. He said his mind was in a most distressing state: that he would not eat any thing till he was let out; he told me he had or should write to Mr. Peel demanding justice, and to be let out of prison. In early life Mr. Brand was shy, and his manner was very reserved. I do not think there is any material alteration; he was extremely diffident and modest; he possesses strong intellectual powers, but not much activity. I never heard a word from him respecting unnatural purposes. He had said, that he was not ashamed to show himself; and this he now thought had reference to such subjects. From the

result of the conversations I had with Mr. Brand in the four days alluded to, I think Mr. Brand was not in a sound state of mind, and was unable to govern his property. It was on my suggestion and advice of the physicians, that the present commission was taken out.

By Mr. Brand.—Did consider that Mr. Brand was not in a fit state to do business. Had thought it right to ask Mr. Brand to sign a document to vest the management of his (Mr. Brand's) property in trustees. Had no recollection of Mr. Brand's mentioning any thing about the Jesuits in France, Spain, Portugal, &c., or about Polignac. Recollected Mr. Brand asking Dr. Babington if he (Mr. Brand) were mad, and Dr. Babington's answer was "I do not think you mad." Did not recollect Mr. Brand pointing to a picture of Mrs. Fry at the exhibition, and he (Mr. Brand) saying she was in a passion. Some of the conversation in Tothill-fields prison might be in joke.

By Mr. AUSTEN.—Considered Mr. Brand a person of good memory and a good classical scholar when he left Winchester. Was not acquainted with the fact that Mr. Brand had obtained a knowledge, by heart, of one hundred Roman writers; he frequently quoted largely. As Mr. Brand's friend, witness had consulted on the best mode of managing Mr. Brand's property; had thought it would have saved the expenses of this commission if a power of attorney had been obtained to put his affairs in the hands of trustees; considered Mr. Brand's state of mind such, however, as to make him unfit to sign such a document, and witness, therefore, had recommended with the physician, in which the medical men coincided, that this commission should be taken out. Had no interest to serve.

By the Jury.—Did not think Mr. Brand had suffered very much in his appearance since he saw him in June. He appeared in better health, but not so much so as he could have expected.

By the CHIEF COMMISSIONER.—From what witness had seen in Mr. Brand that day, he thought his appearance the same as in June. Witness left town under the impression that it was proper to put Mr. Brand under restraint, and nothing that I have seen to-day alters that opinion. One or two questions put to me by Mr. Brand confirmed that opinion.

By Mr. Brand.—It was by witness's sanction, as a friend, that this commission was proceeded with.

Mr. and Mrs. Stephens, the parents of Mr. Brand's wife, were next examined by Mr. Brand, who had dined with them at Aylesbury, in May last. They considered Mr. Brand not to be crazy, either then or at present.

Mr. Stephens cross-examined by Mr. AUSTEN.—Had drank some wine at the tavern at Aylesbury where they dined. Could not tell what wine it was. Witness and Mr. Brand drank three bottles in four hours. (Laughter.) It was neither black nor white wine they drank. (Continued laughter.) Had had a long conversation with

Mr. Brand about farming; he gained much knowledge from what Mr. Brand said. He believed in God that Mr. Brand was of sound mind.

Hannah Stephens, daughter to last witness, was present at the marriage of Mr. and Mrs. Brand on Easter-day. Witness saw nothing to make her believe Mr. Brand was then crazy, or that he was so at present. Had stayed at Mr. Brand's farm a week after the marriage, and saw nothing crazy about Mr. Brand.

Other witnesses were called by Mr. Brand, but they did not answer; and it was agreed that four of them should be heard after the reply of Mr. Austen.

Mr. AUSTEN shortly afterwards rose to reply, and said, after the voluminous evidence which had been taken during the last eight days, he should have to ask the indulgence of the Court, especially as he had lost the assistance of Mr. Serjeant Taddy. It was fortunate for him, however, that this case was not marked by any of those circumstances which had attended some investigations of a similar nature. The parties who were proceeding with this cause had no interested motives to serve, and the finger of calumny could not be placed on a blot in their characters. The evidence of Mr. Moody that day had put this question at rest. The Roman law provided that persons who squandered away their property should have restraints placed upon it, and that others should have the management of it. Mr. Fitzbrand was the nominal party in this cause, but from Mr. Page had come all the money, and who would not derive one farthing advantage, whatever the verdict might be. He had acted like a good uncle to Mr. Brand, in endeavouring to save 300*l.* per annum, which might be all that was left out of a large property originally possessed by Mr. Brand. The jury had to consider whether, according to the commission, Mr. Brand was of unsound mind. The proof of the existence of insanity had been mystified, but he thought Sir George Tuthill had placed the subject in a clear and simple view. It was discovered, when parties were found labouring under certain delusions, over which they had no controul, on other subjects the parties afflicted might be perfectly sane. The learned counsel then referred to the evidence to prove that Mr. Brand had laboured under many delusions; that he had conceived he saw portraits of those who had been his companions in the disgraceful course of life he had led; that he conceived he had seen Mrs. Case and Mrs. Dashwood since death; that his friends all conspired against him; and, last of all, came the melancholy delusion that unnatural crimes were to be attempted upon him. This disease had reached its climax when Mr. Brand implicated the other sex in the same crime. This firmly marked the delusions under which Mr. Brand laboured, as well as the complaints made by Mr. Brand, that smells in the hotel and elsewhere arose from persons who were guilty of unnatural crimes. The learned gentleman, at great length, went on to embrace every

trivial point of the evidence, and laid great stress upon the *respectability* of the witnesses, Dr. Paris, Dr. Sutherland, Mr. Paynter, Mr. Moody, and others, who were called in support of the commission, all of whom had repeatedly spoken to the lunacy of Mr. Brand, and some of whom had sworn that it was a dangerous lunacy. He observed further, that all the witnesses called for Mr. Brand, except Alderman Wood and Mr. Ward, were obscure persons, or servants, whose minds had not been sharpened by education: he excepted, of course, the chess and cricket players. The learned gentleman concluded by stating as incontestible proofs of Mr. Brand's insanity, the facts of his having squandered away 1,500*l.* upon one chess-player, 3,000*l.* for shells, wasted thousands upon one common woman, promised marriage to another, and absolutely consummated that enormous folly by marrying a third. He called upon the jury to save Mr. Brand from the effects of his own delusions.

John Smith, a surgeon, who was to have been called prior to Mr. Austen's addressing the jury, was then called. He spoke to his opinion of the sanity of Mr. Brand.

Considerable discussion took place as to whether the case should be proceeded further with that night (it was then near 7 o'clock.)—The Commissioners earnestly pressed for such a course, which was objected to by some of the jury. The Commissioners alluded to the great expense attending an adjournment.

The jury then retired for a few minutes. On their return, they, by their foreman, informed the Court that they had come to the unanimous opinion of not troubling the Commissioners to sum up.

Being called upon for their verdict.

The foreman said that it was the opinion of the jury that Mr. John Brand is a lunatic without lucid intervals, and has been incapable of managing his own affairs since April last.

The CHIEF COMMISSIONER.—A very satisfactory verdict, gentlemen:—The Court then broke up.

Mr. Brand heard the verdict communicated with apparent indifference, and coolly took up his papers, and left the room in company of his keepers, and was almost immediately afterwards transferred from Harris's γολγοθα in Parliament Street, to Dr. Sutherland's MAD HOUSE,* at Chelsea.

* There are no less than 300 private Mad-houses in England, and of these, two Establishments at Hoxton and Bethnal Green alone, contain upwards of 1,300 patients!!! Thus it will be seen that a wholesale trade is *driven* by the Mad-house keepers, supplied with victims, by their jackals, the Mad-doctors of our times.

REMARKS ON THE TESTIMONY OF THE WITNESSES.

The investigation of Mr. Brand's case, whether or not that gentleman was a lunatic, has at length terminated by his being declared by a jury to have been of unsound mind since the 1st of April, 1830 : and consequently incapable of managing himself and his affairs.— A different decision, however, was fully anticipated by the country,* as well as ourselves ; and we fearlessly say, that had Mr. Brand been provided with counsel for the purpose of *neutralising* the *poison* of the advocates for the commission, and preventing their *misrepresentations* to the jury ; who, not being medical men, were incompetent judges of the case ; and had Mr. Brand been allowed to bring up the whole of his witnesses, such a verdict would never have been returned.

As this decision is of great national importance, it merits the serious consideration of every man in the empire, from the pauper to the prince. Hence we consider it our duty to examine the picture presented by the proceedings of this more than extraordinary case ; and our following remarks have nothing else in view but the establishment of truth and justice in favour of a much-injured individual, whose case may serve as a beacon to preserve others from a similar shipwreck.

Is it, we would ask, in the 19th century really the law of this land, that a man may be deprived of his liberty, and incarcerated for life in the dungeon of a mad-house, on the mere certificate of a

* We give place to this interesting letter, merely to show the feeling of the country where Mr. Brand resided. The writer, however, is mistaken when he talks of the *legal advisers* of Mr. Brand, as he had none, and of my *colleagues*, as it is well known I stand alone.

“ Sutton, September 10th, 1830.”

“ SIR,—I observed with feelings of disgust, on reading the public papers, the conduct you experienced when requested by Mr. Brand to have an interview with him at Harris's hotel. In fact, sir, all the way through it has been * * * * * which none but those who have been acquainted with the proceedings could ever have believed that any one * * * * * There is not an individual in this neighbourhood, rich or poor, but cry shame of it ; and whilst all will confess that Mr. Brand was a most eccentric man, yet as for being insane or mad, they might just as well institute a commission of lunacy against nineteen out of twenty of the race of mankind. It has been a matter of great regret amongst his friends in this neighbourhood, and also many in the neighbouring town of Woodbridge, that his legal advisers did not subpoena more of his actual friends and tradespeople here, such a commission, had it been investigated here, and the jurymen chosen from this quarter, the instigators of such * * * * * would have stood no more chance than if it had been instituted against the Lord Chancellor himself. What if he chose to spend his money, and in any manner he pleased, what was that to any one else ? it was his own, and he would have no one else but himself to blame provided he had come to poverty. No, sir, it was not that which prompted the promoters of such * * * * * but that which you know as well as myself.”

CHARLES DUNNE, Esq.
&c. &c. &c.

I am, Sir,
* * * *

couple of mad-doctors? I say, is this the law of this land, or do we dream it; or, to use counsellor Austen's favourite expression, "are we labouring under the effects of delusion?"

That the country has been long *law-ridden*, and that almost to madness, is manifest. We had fondly hoped that the blessings of liberty were ensured to every native of the British empire by the great charter of Runnymede, intended in its origin to preserve them from all innovation. But we lament to see that, in the present times, its noblest provisions are evaded, and rendered nugatory by the corrupt and dangerous distortions of the present state of the law, and more especially respecting lunacy. In this age, when the "*March sublime of liberty*" and the "*March of Intellect*" are so loudly blazoned forth in the tropes of declamation, we see that the real spirit of freedom sinks beneath the *low quackery* of the *mad-doctor*; aided and promoted by the sophistry of legal quibble—no man, be his station what it may, is now-a-days secure from the irruptions of these tyrants; who, by the enormous power injudiciously vested in their hands of immuring their fellow subjects at their will, exercise an absolute "*imperium in imperio*."—We hope that the notorious abuses of this dark and corrupt system will at length attract the notice of the legislature. If our humble efforts should succeed in bringing about so desirable a consummation, we shall feel amply compensated for our labours. But our single voice can be of but little avail, unless that of the public join in unison; and to raise that powerful voice in favour of truth and justice as opposed to unprincipled and secret machinations, is, as we have already observed, the only object of these remarks.

With respect to the case immediately under consideration, we would ask Dr. Sutherland,—the counsel for the commission,—and the commissioners themselves—whence arose the necessity on the part of this son of Pæan, of confining Mr. Brand with a strait-jacket, and placing him before his judges in the custody of three keepers, when in fact it was admitted by all, that his manners were uniformly of a mild and gentlemanlike character. Such a proceeding, we admit, appears to us to have been totally uncalled for. Let us contrast, for a moment, the situation of this unfortunate gentleman, placed before a tribunal of his country, manacled and confined, with the position of the worst of felons when put upon trial for his life!—On such an occasion the latter has his irons struck off, and, at least for a time, is freed from the galling restraint of his chains. On the contrary, a gentleman of a quiet, mild, and peaceable disposition, appears confined with a strait-jacket when oppressed by the weight of a heavy and calumnious charge, affecting not his character in society, but merely the soundness of his mind.

But what was the impression of such conduct on the mind of Mr. Brand—conduct, we venture to affirm, sufficient to produce insanity—nay, raging madness in men even of strong mind? Did it drive Mr. Brand into any excessive ebullitions even of temper?—Did he,

during the whole course of this painful *exhibition of himself to the eyes of the public* display even the least symptom of irritation? No!—The unhappy gentleman only said, in the mildest language, to the commissioners, that he wished for the opportunity of sending for professional assistance, and to be allowed to defend himself, and have a solicitor by his side.

But the doctor, who did not *condescend* to inform the tribunal to what *species* of mental derangement the malady of the supposed lunatic belonged, but only swore generally that he was mad, was aware, no doubt, of the difficulty and danger in some cases of applying logic to facts; he concludes, we suppose, that the mere signature of an individual who has taken the degree of doctor becomes, in consequence, a decided proof of insanity. Although even he may be a “*mad*” doctor, still his diploma shields him from the imputation of ignorance. How frequently has it occurred that a man who has been dubbed doctor of medicine, at Leyden, Aberdeen, or St. Andrews, and whose diploma sets forth his profound learning, accomplishments, and competence to practice on the lives of his majesty’s good and faithful subjects, has been found incapable of satisfying the gentlemen late of Warwick-lane, that he possessed the common rudiments of his profession, and has been by them accordingly rejected. So that learning in many instances appears to be local.

Dr. Sutherland, too, who so positively affirmed Mr. Brand’s insanity, did not even condescend to say whether it arose from a *moral* or a *physical* cause; the *learned* doctor surely ought to have known that it would have been of the utmost importance to furnish this information to the court and jury, to enable them the better to form a satisfactory judgment whether or not the doctor rightly understood the disease; as otherwise, he would be an incompetent person to be employed in the medical treatment of Mr. Brand’s case, even if it were beyond doubt that that gentleman was insane.

We are borne out in these opinions even from the following circumstances. Mr. Brand on being informed for the first time, at the opening of the commission of lunacy, that only fifteen jurors were in attendance, and that if he pleased he might desire the attendance of twenty-three, he observed in the most rational manner, that it was not his wish to prolong the proceedings, but as the matter was of very great importance to himself he should wish the opinion of twenty-three gentlemen; and on being told that the commission was taken out at the instance of Mr. Fitzbrand, the heir at law, he merely said, addressing the attorney for the commission, “to save trouble, I should wish that the next time you come here, you will bring proof that Mr. Fitzbrand is the heir at law—that his parents were married, and that he was born in wedlock.” What answer can be given to this? are these the questions of a lunatic? I say that they are not; and I repeat that if he had not been a man of sound mind, the facts of his having

been fettered as he was—confined in a small chamber, at Harris's coffee-house,—exposed to the influence of a burning sun and to the insolence and impudence of three inhuman keepers;—allowed neither exercise, free air, the condolence of his friends, nor even the professional attendance of his own surgeon,—were sufficient to expel reason from her seat.

As to Mr. Serjeant Taddy, whose *trade* it is to make the worse appear the better cause, he took a review of the principal events of Mr. Brand's life, colouring them as he went, agreeably to his own *hallucinations*—and took for his first witness a Mr. Paynter, of Trinity College, Cambridge, barrister at law. This gentleman, whom we certainly do not accuse of being a *conjuror*, deposed that Mr. Brand had been educated at the same college with himself, was clever, and had a strong memory—passionate and extravagant—had acquired a great taste for conchology in France—spent great sums in this pursuit, and at chess—cohabited with ladies *who frequented the saloons of the theatres*—usually drank *two bottles of wine*, and *smoked from ten to twenty cigars daily*.—His *cigars*, exclaims this economic barrister, cost him (how much, reader? *Parturiunt montes, nascetur ridiculus mus*) *actually* a pound a week!!!—Ah! Mr. Paynter, what an *enormous* sum for a gentleman of £4000 a year. Mr. Brand had also mortgaged part of his property for £8000 in the Pelican office.—He (our barrister) thought that Mr. Brand had been cheated, and was in distress about it—(wonderful madness to be distressed at being cheated of a large sum of money!—*wonderful* apathy, counsellor Paynter, concerning his pecuniary resources!) in consequence, he thought Mr. Brand was unable to manage his own affairs; and concludes by observing, that Mr. Brand had, through life, been subject to great mental excitement, and had discarded witness from his society. The reader will perceive that the latter expression was the *tender point*!

To what, we would ask, amounts all this?

Mr. Paynter, of Trinity College, tells us, first—that he was discarded from Mr. Brand's society, (was not his letting out this pocketed indignity, rather mal-à-propos?) and he now finds a convenient opportunity to rake together the whole of a man's youthful pranks—which amount to nothing more than the common practice of every young man of the day. Laying aside then for the moment the barrister's opinion, which is very certainly no proof of insanity, (unless indeed half the young men of the day are mad) has this *man of law* the effrontery to tell us that Fox, Sheridan, Pitt, and many other eminent men, though of eccentric habits, were insane? An obvious distinction will strike the meanest capacity between eccentricity and madness:—strange that it should be *invisible* to Messrs. Sutherland, Paynter, and Co. But, in fact, *Mr. Paynter had been dismissed from the society of Mr. Brand*. We shall pass unnoticed the other ridiculous assertions of Mr. Paynter, who, from common-place expressions used by Mr. Brand, came to the conclusion that his (Mr.

Paynter's) quondam friend laboured under delusions which he (Mr. Paynter) thought fit to designate madness.

Mr. Le Marchant.—The barrister was followed by another lawyer, *Mr. Le Marchant*, an *attorney*. Indeed almost all the witnesses to support the commission were limbs of the law. This gentleman was examined by Mr. Serjeant Taddy :—had known Mr. Brand ten years—Mr. Brand pressed witness to go and see some portraits in a picture gallery,—witness *promised to do so*, wishing to get *rid* of Mr. Brand,—on Mr. Brand's leaving the room, *wrote* to a mutual friend that Mr. Brand was insane, although he admitted that it was a serious thing to give an opinion on the state of any man's mind. The whole of his evidence, however, will be seen to amount to nothing at all like proof of insanity.

Mr. Barnard, the *cricket-club player*, was then called to prove that Mr. Brand had, without provocation, called the secretary of the club a thief, a liar, and a coward, and that he was ready to fight him with pistols across the table. Witness, however, acknowledged that Mr. Brand had always acted previously in a mild and gentlemanlike manner. If all this constitutes madness, must not the whole Irish nation, whose familiar phrase in entering a coffee-house in their own country, is "pistols and coffee for two," be all mad? As to Mr. Barnard's saying that there was "no provocation," it may be very true according to his idea, yet Mr. Brand might have felt so much alive to insult as that the cause of his expressions might not have been apparent to Mr. Barnard. In France we know it to be the common custom, in all ranks of society, when an individual is insulted immediately on the spot to invite his opponent to the field.

As to Mary Pelit's testimony, it almost ends in this, that her master had never *taken any liberties* with her. She felt *monstrously sore* at being called up to make breakfast at *five or six* o'clock in the morning, (*ten or eleven*, no doubt would have suited the lady better) and she was scolded for having put dirt in the teapot. She would not, nevertheless, be *afraid* to walk ten miles in a forest with her master, if he were *civil*. This rhodomontade, we suspect, emanated, in great part at least, from the hypochondriasis which poor Mary Pelit must have then laboured under :

"When in a wood we leave the certain way,
One error fools us, though we various stray;
Some to the left, and some to t'other side;
So he, who dares thy madness to deride,
Though you may frankly own yourself a fool,
Behind him trails his mark of ridicule."

Mary Anne Garnham, formerly servant to Mr. Brand, was called by Mr. Serjeant Taddy to prove the lunacy. Almost the whole of her testimony went to show that Mrs. Brand ordered a leg of lamb for dinner, and Mr. Brand ordered mutton chops; in consequence of which high words ensued, and *this scene of madness* finished by Mrs. Brand being turned out of the room—which very likely she de-

served. Thus then, it would seem, according to Mr. Serjeant Taddy, who, we suppose, is himself a *married man*, that it is madness in a husband to eat mutton chops when his wife *orders* him to eat lamb.

Mr. Hughes, Mr. Brand's *ci-devant* medical attendant, was produced by the learned Serjeant to prove that the unwillingness of the latter to have the peaceful denizens of the tomb aroused from their sleep, arose from insanity. We are willing to suppose that Mr. Hughes was fully sensible of the painful situation which obliged him to come forward against his patient, and to betray the secrets of a family into which he was confidentially introduced. The whole of his evidence, nevertheless, tends to show that Mr. Brand had made use of some ridiculous expressions which the most sane man in the kingdom is in the habit of doing every day of his life. He, however, like the *sagacious* Dr. Sutherland, leaves us quite in the dark respecting the treatment of the disease, and his manner of cure. He swears positively, nevertheless that the only reason he has for thinking Mr. Brand mad, is, that that gentleman frequently laughed during the investigation. Oh! *grave* and *potent* doctor, is it madness to laugh?

“ Drag him to justice, he's a bird, a stone,
And laughs as if his cheeks were not his own.”

Sir George Tuthill stated similar circumstances of insanity to those described by Dr. Sutherland and the last witness; adding, that a mad person who submitted to the rules of his medical adviser might recover, whether he was under restraint or not. We deny this assertion of the knight, as far as coercion extends; for, as we have said in another place, “the very first step previously to any attempt at a cure is to gain the confidence of the patient, the most difficult task of the whole; and this obtained, let him proceed to the medical treatment. Let the *knight* deny it if he can. It is remarkable that while these persons exhaust themselves in attempts to prove Mr. Brand's madness, not one of them alludes to even a solitary instance of an endeavour to cure him.

As to the evidence of Miles, which went merely to show that his master paid him 3s. a week for protecting the remains of a dearly-beloved female from the rude hands of resurrection-men for fifteen weeks—and charging his master with a short memory (which he subsequently acknowledged to be better than his own); where the insanity lies here, we confess ourselves at a loss to discover; although we admit, that love to excess is in some degree kindred to mental derangement.

From the *grave-digger* or *watcher* we come now to *B. R. Nodder*, or *Snodder*, the *potentate* of *Tothill Fields*. The governor had Mr. Brand in custody for an alleged assault on H. Harris, the son of a coffee-house keeper in Parliament-street; and the commitment was dated the 20th of July. Is this madness? How many sane men do we see *taken* daily before magistrates for assaults? After Mr.

Brand was enlarged, he met witness, and desired to see the commitment. The *potentate* here replied with an air of importance, that he was not to be DESIRED to produce it. Mr. Brand, not aware of the *dignity* attached to 'squire Snodder's *exalted* situation, very coolly replied, "then I desire you to do so,"—and walked away.

"The insolence of office and the spurns
That patient merit of the unworthy takes!"

The *governor* continues by stating, that Mr. Brand had written letters to the Duke of Wellington, Mr. Peel, &c., stating that he had been illegally confined by the order of these gentlemen, or that there was in reality no order for his committal. And pray was not this natural, Mr. Brand having been told that he had been committed by order of the Duke of Wellington and Mr. Peel, to address those gentlemen to know if it was really the fact, and praying that they would release him? The witness added, that from what he had seen during the investigation, Mr. Brand was not of sound mind.

Mr. John Davies called.—Is an *apothecary* near Sutton. Thought Mr. Brand's *manner* peculiar. Said he thought the French people looked very odd; and had a *strange way* of going into the ground at one place, and coming out at another a *quarter of a mile distant*. Here the *sapient doctor* would make madness doubly sure; forgetting, however, or totally ignorant of the fact, that those places are the well-known catacombs or *golgothas* 'at Paris which have subterraneous passages for miles and miles, and are the frequent promenade of the visitors of Paris by torch-light.

Witness denied that he knew any thing of the master of the ceremonies at Margate; and therefore did not know whether he bore any resemblance to that personage. He attended Mr. Brand however on the 21st of July, and thought his manners peculiar. Witness did not think Mr. Brand in a sound state of mind from what he had observed during the investigation.

Mr. Brand.—Did you (to witness) ever see a person in sound mind that you could not drive to madness in a few minutes if you chose?

Witness.—No.

In reference to this witness's testimony we might say, with the poet,

—————"trust not the physician;
His antidotes are poison, and he slays
More than you rob."

Doctor Paris examined.—"More patients," said the *learned doctor*, "of the same description as Mr. Brand has fallen to my lot than to most medical men in London." This bombast might have been spared in this place. The learned medical professor, however, did not condescend to say where the *workshop* of this *enormous* practice is to be found; unless indeed it is at the *manufactory* of the "*Pharmacologia, comprehending the art of prescribing*,"—"a thing of shreds and patches," huddled together according to the modern art of book-making, from all the old women's recipe books of the last century. Wit-

ness has known Mr. Brand for ten years ; thought him eccentric : but he never saw any thing like insanity about him. Yet was prepared for it, from a previous knowledge of Mr. Brand's disposition ; so that, in fact, according to the learned doctor's penetrating eye, all eccentric men are disposed to insanity. What an admirable advocate for the supply of *subjects* to *mad-houses* ! Ah ! doctor ! you no doubt recollect the fable—"There is nothing like leather." Witness saw Mr. Brand recently at his lodgings at Camberwell, in *conjunction* with Mr. Alderman Wood !—not a word about *les gendarmes* and Dr. Sutherland's keeper with his *inseparable companion* the *strait-waistcoat*. Mr. Brand, adds witness, was much *excited*, and was constantly ringing for wine—had had two pints of sherry before witness's arrival. The learned doctor, like the *celebrated* Majocchi, forgot to say who had sent for him, or for what purpose he went there, and how he made the wonderful discovery of Mr. Brand's ringing the bells ; Mr. Brand had had two pints of sherry before witness's arrival ; and his friend Alderman Wood insisted that no more wine should be given to Mr. Brand ; whereupon Mr. Brand came down stairs and appeared to be in a passion. And pray who would not be so to be thus ordered by an individual, who dared to intrude on a gentleman's premises without having been sent for ? Mr. Brand on seeing a great mob round the door, asked if Alderman Wood were a magistrate ; being told in the affirmative, he said ; "clear the way ! clear the way ! for the magistrate ;" and swinging his arms about at the same time, *claret* was unluckily *tapped* from the promontory of the doctor's *fascinating* visage. Whether or not he deserved this castigation for his unwarrantable intrusion,—whether the blow was *foul* or *fair* we leave to the *umpirage* of the *scientific* reader, who will remember that the doctor was prepared with his *backer*, the Alderman ; whereas Mr. Brand was only *seconded* by his wife. Witness, however, gave Mr. Brand into custody ; but on Mrs. Brand's saying that there was nothing the matter with Mr. Brand, witness let him alone. Thus the glorious *set-to* at Camberwell finished for the present.

The learned doctor who boasts so much of the number of his patients, returned to the charge on the 27th of July last. Says that Mr. Brand told him that he had been at Paris, and that he had been fined tenfrancs for throwing tea-things at the head of a waiter ;—that he had discovered the existence of an association of Jesuits, and that the French were a strange people, diving under ground at one part, and appearing at another. (The English will be quite as *odd* a people when the Thames Tunnel is finished !!!) Witness was, therefore, of opinion that Mr. Brand was of unsound mind ; he added that Mr. Brand preferred wearing a strait-waistcoat to being placed under the care of two keepers ; and that he had said that he should get the better of the present investigation ; and that he would tell the jurors they were all ——. These were the *damning* proofs the learned doctor advanced of Mr. Brand being *now* insane. Mr. Brand,

however, to the latter observation, observed, "how could I say that of persons I never saw?"

Dr. Paris.—I cannot tell.

By Mr. Serjeant TADDY.—Witness was satisfied, from what he had seen during the present investigation, Mr. Brand was of unsound mind, and not liable to lucid intervals. How the learned doctor, who saw more patients of this description than all the other PROFESSORS (of *madness*, we presume) in London, could come to the conclusion that Mr. Brand was not liable to lucid intervals, is a question capable of solution only by the *learned professor of madness* himself; for "in law," according to Sir W. Blackstone, "lunacy is a partial derangement of the intellectual faculties; the senses returning at uncertain intervals: these defects must be unequivocal and plain, not an idle, frantic humour, or unrecoverable modes of action, but an absolute dispossession of the free and natural agency of the human mind." Had Mr. Brand's friends in reality thought him incapable of managing his property, and wished to protect it from dilapidation, they would have followed the course prescribed by Lord Thurlow, instead of suing out a commission at a ruinous expense. We give Lord Thurlow's own words: "Lord Chancellor Thurlow said he was not against the practice of finding a man a lunatic who was, by the infirmities of age, rendered unequal to the management of his affairs; but the more usual course is to appoint him a guardian, or some person to act for him in the receiving and managing his property."

Henry Harris examined.—Witness is the son of the coffee-house keeper, Parliament-street, Westminster. He merely spoke to the facts of a disturbance which took place in his father's house; in which Mr. Brand's conduct, he said, was very violent, and subsequently, in consequence of the said violence, he was committed to Tothill-fields prison.

The next in order produced by the learned Serjeant Taddy in support of his hopeless case—a case which he must have known could never be supported, was the said Charles Orton, the keeper.*

The whole of Orton's testimony however goes to show, that a *noble* captain had been introduced by Mrs. Brand to her husband, under the sham character of the Duke of Wellington, which, naturally enough, when discovered by Mr. Brand, greatly excited him. Mr. Brand, with great coolness, asked if the person so introduced was the Duke of Wellington, and the captain, assisted by

* The servants, commonly called keepers, in all private mad-houses, are individuals of the vilest description; if they are stout able-bodied men, no question is asked where they have lived; and the women are hired on the same terms. In a well-known golgotha of this description, one keeper was a deserter from the army; another had served fourteen years at Botany Bay; another was a thief well-known at the police offices, and several of the female keepers were acknowledged common strumpets, and slept with the male keepers or *sane* patients every night, sanctioned by the house-keeper; so that this golgotha answered the purpose not only of a mad-house, but of a brothel, well furnished with prostitutes and bullies.

Mrs. Brand and the keeper, palmed himself upon Mr. Brand as the real Duke. *This would prove that the bulk of mankind is made to act,—not to reason!*

Let us now compare this conduct of Orton's with that which he observed towards Mr. Brand's surgeon; whilst that gentleman, whom Mr. Brand had specially employed, and who had been sitting with him only a few minutes in his chamber, was abruptly called out of the room by Orton, saying, that *somebody* wanted him; seeing no one there, the surgeon demanded where the person was; when, to his surprise, Orton told him that there was *nobody*, and that he desired that the surgeon should not remain longer than a few minutes with Mr. Brand, as it might *excite him*!—Mr. Brand being completely mad.

The surgeon told him it was false; that Mr. Brand was perfectly sane. Subsequently Orton, together with Mrs. Brand and Harris, the coffee-house keeper, attempted to obstruct the surgeon from visiting his patient, under the pretext of excitement; Mrs. Brand declaring, in the most furious manner, that her husband was raving mad, and that the book—[*Locke's Essay on Human Understanding*!]*—*which the surgeon lent him in order to assist him in his defence, was a *most improper book*!

We have now arrived at the fifth day. On this day Mr. Phillimore, the chief commissioner, told Mr. Brand the time had now arrived for his defence; but previously he would put a few questions to him relative to the interment of Mrs. Dashwood, which, in our judgment, were unnecessary, and *highly calculated* to produce *great irritability*, in consequence of the attachment he had felt for that lady during her life, and his poignant regret for her loss. This cross-examination, however, was tedious, and severely felt by the individual on whom it was inflicted. But we must do the chief commissioner the justice to say, that, on observing his emotion, he waved pressing further his questions. Mr. Brand being interrogated respecting the pictures at the Royal Academy, in Suffolk-street Gallery, stated that he thought many pictures there resembled persons he knew—his wife and Mrs. Dashwood for instance. He did not *think* these pictures were *portraits*; but were, however, good *accidental* likenesses. We shall merely state that it is almost impossible for any individual to enter a gallery of portraits without, even involuntarily, associating with the figures on the canvass before him the lineaments of some well-known countenance. After

The plan adopted by the keepers in private mad-houses, is to harrow up the feelings of the patient in his lucid moments, by constantly repeating to him his actions when his mind is completely deranged; thus irritating his feelings in the most inhuman way. "If I succeed," to use the language of a writer on this subject, by this attempt, "in showing the horrors of private mad-houses and in removing a chain from the leg of one sufferer—of suspending the lash, wielded in vengeance over the innocent head of one poor victim—of preventing the violation and degrading treatment of one unfortunate female, I shall think myself happy, and under the self-approbation of my conscience, and defy the threats of the wealthy tyrants—those merciless oppressors."

a further series of futile interrogations, Mr. Brand was called on for his defence, which he delivered as already transcribed, (page 35) in a manner creditable to his education and capacity, and which would do honour to persons who imagine themselves wiser than he—a defence characterized by a respectable journal as “truly logical.”

Mr. Brand then animadverted on the evidence that had been adduced. “The witness Miles,” said he, “states that I was sometimes *seen* speaking to myself; and surely this is the first time we have ever heard a man accused of insanity for holding a conversation with himself.” He then called Mr. Brodie, who visited him a few days ago, and swore he saw no marks of insanity, either at the time or since. It is true he was in a state of excitement; but no more than might be expected from a person under such peculiar circumstances, and saw nothing in Mr. Brand’s conduct or manner to induce him to think him insane.

Mr. IRVINE, who has known him for many years, does not think him insane.

Ephraim Samuta has known Mr. Brand for the last ten years, and never saw any thing which would induce him, in the *slightest degree*, to think Mr. Brand insane, or even inclined to such a state. A juror here remarked that it was exceedingly hard that Mr. Brand should be put upon his defence under the constraint of a strait-waistcoat. Mr. Phillimore acknowledged that even the Lord Chancellor had understood that Mr. Brand had appeared before the commission in that deplorable condition; but that Dr. Sutherland had sworn, on a former day, that it would be dangerous to allow Mr. Brand a greater degree of liberty.

Dr. Sutherland was now called.—On his oath he was of opinion that even then it would be dangerous to allow Mr. Brand to be more free from restraint than he was.

Now madness being the opposite to reason and good sense, it appears wonderful that the two contradictory opinions of the Dr. and that enlightened surgeon, Mr. Brodie, could be entertained on the subject; yet such is really the fact, and Mr. Brodie being right, the other must be wrong; because a person cannot correctly be said to be in his senses and out of his senses at the same time. Mr. Commissioner Whitmarsh, to complete the picture, said the waistcoat was only placed easily on the person, and without being *applied*! What the learned commissioner meant by the latter phrase is totally inexplicable to us laymen; or is *excitement contagious*? The juror alluded to inquired if Mr. Brand felt any inconvenience from the restraint under which he was placed. Mr. Brand, who was absurdly stamped as the *only madman* in court, calmly replied, that he felt a little warm by having an additional jacket, and which, no doubt, made him appear more round-shouldered.

Mrs. Harris, of Camberwell, at whose house Mr. Brand had lodged for a considerable time at different periods, declared him of sound mind

—had never seen him agitated, except when visited lately by a Mr. Page, Dr. Paris, Alderman Wood, and a policeman, who one day brought a keeper with them, and attempted to place Mr. Brand in confinement with the keeper in the house, which Mr. Brand, as well as Mrs. Harris, naturally resisted, and the doctor, whose *elongated proboscis* was unluckily *depressed* in the *scuffle* which ensued, and the worthy Alderman were summarily and unceremoniously *ejected in the Irish style*, by a *coup de pied*, by Mr. Brand, as having unwarrantably intruded on his privacy. We would ask, is this the Alderman Wood, the champion of the late Queen, who declaimed so much respecting the chartered liberties of the subject? Who now entered, accompanied by the *myrmidons* of the police, a *mad-doctor* and his *satellite*, armed with a *strait-waistcoat*, for the purpose of carrying into effect the projects of his mistaken zeal. The illegality of thus pouncing on a peaceful subject in his own private residence, with the *charitable* intention of *incarcerating* him, is manifest. Does such conduct become one of the *friends of the people*?

Mr. Harris, husband of the last witness, was called, and swore positively to Mr. Brand's sanity; and that the parties just mentioned had come with a view to confine him as a madman. Mr. Page, one of the party, seemed desirous that Mr. Harris would, by acknowledging Mr. Brand's insanity, abet them in depriving a sane fellow-countryman of his liberty. "I would sooner," exclaimed this honest and respectable man, "be in the company of Mr. Brand alone than in the company of a mad-doctor, or a keeper." Mr. Brand at this moment requested that Mr. Dunne, the AUTHOR OF REFLECTIONS ON INSANITY, of which the following is a prospectus,* should be examined on his part. The chief commissioner, Mr. Phillimore, observed that to day he should be compelled to adjourn the commission at 20 minutes to 4 o'clock.

* REFLECTIONS ON INSANITY, AND ITS RAPID PROGRESS AMONGST ALL CLASSES IN BRITAIN.—BY CHARLES DUNNE, M. R. C. S. LONDON.

Insanity will be considered in a Legal and Medical point of view; and the work includes the Doctrines and Practice of Ancient and Modern Physicians and Surgeons,—an Anatomical and Physiological examination of the Nervous System in General, and of the Brain in particular,—with the peculiar Observations of Spurzheim, and other distinguished Foreigners, on the Deranged Manifestations of the Mind. To which will be added, 1. An attempt at inquiry into the powers and faculty of REASON and INSTINCT. 2. If both can be considered as the effects of similar causes? 3. If the one and the other be not only the results of education in all animals? 4. Whether MENTAL DERANGEMENT is engendered in the IMMATERIAL of divines, or the CORPOREAL of anatomists; or whether any, and what, connexion exists between that *immaterial* and the body, during the aberration of the patient's mind.

To which are subjoined, a Peculiar mode of Treatment, by the Author,—

A Method of distinguishing Real from Feigned Madness.—

Warburton and Co's examination by a Select Committee of the House of Commons, on their treatment of the Lunatics in the *Golgothas*, called the Red and White Houses, &c. a complete Refutation of Mr. Serjeant Merewether's legal opinions in cases of Insanity,—the "Act (July 15, 1828) to regulate the care and treatment of Insane persons in England,"—a List of the "METROPOLITAN COMMISSIONERS IN LUNACY," and of the LICENSED MAD-HOUSES,—their PRO-

Here Mr. Austen, the substitute of Mr. Serjeant Taddy, moved for an adjournment till Saturday, in order, he said, that he might have a conference with Mr. Page, at whose instance the commission was granted—when he thought the expenses might be prevented. This appears to us the only *sane* proceeding that has been taken since the first by the promoters of this commission. Mr. Austen began doubtless, to feel the absurdity of the speculation, and the legal consequences likely to fall on the heads of its promoters.

Saturday, August 30th.

No terms of accommodation having been proposed, the trial proceeded.

W. Fraser, examined.—Had known Mr. Brand some years. Did not think his manners those of an insane person. Never saw any thing in Mr. Brand's conduct to cause witness to think he was likely to become insane at any future period.

Mr. Alderman Wood called.—Had known Mr. Brand since his infancy. Gave a *history* of his *expedition to Camberwell*, in company with Dr. Paris, Mr. Page, and others. Mr. Brand told him out of the window, that he did not want the attendance of Dr. Paris, or

PRIETORS,—SUPERINTENDENTS,—and NUMBER OF PATIENTS in each establishment,—with BIOGRAPHICAL SKETCHES of the INSANE in CONFINEMENT and at LARGE!—With observations on the very recent case of the *celebrated* Doctor Burrows, who in the 19th century, by virtue of his certificate, caused a perfectly sane gentleman he had never seen, and with whom he had never conversed, to be incarcerated as a madman!!!—It may be recollected too, that not long ago, Mr. Jodrell of Portland Place, a man of large fortune and of great learning, but of eccentric habits, was, on the certificate of Sir George Tuthill, in the like manner *captured* as a Lunatic; but whose sanity was afterwards fully and satisfactorily proved in the Court of King's Bench, by the verdict of a Jury, in the case of *Brown versus Jodrell*. *Ανευ μὲν πράξεως, ουκ αν γενηται τραγωδια ανευ δε ηθων γενηται αν.*

Do not such monstrosities cry loudly for parliamentary interference?—How much longer will this system of terror be borne by Englishmen? in times, too, when it is said (satirically, no doubt) that the *march of intellect* is at its acme in Britain.

We see, nevertheless, in spite of our boasted laws for the protection of the liberty of the subject, a *man of physic* (whether in his sane or insane moments, we say not) under the mantle of an M. D., arrogating to himself the power of imprisoning a gentleman in the full possession of his reason, and stamping, *sans ceremonie*, on his *os frontis*, the word madman!!! in as legible characters as those marked by the hand of the Divinity on the forehead of Cain.

Will the jurisprudence of our country suffer itself to be so trampled upon; or will it not, unassisted by any other power, at once *capture*, in turn, the personages playing the part of fools or knaves!! or both! Alas!—humanity!

It is an established fact that French women, from the levity of their character and maternal education, are more liable to insanity than the men of that nation; on the other hand, Englishmen are more subject to this dreadful malady than their countrywomen, in consequence of their speculations—their immoderate use of ardent spirits and gross living. D'après M. Esquirol,—la colère la *continence*, et le *Veuve* causent la folie. “C'est la *continence*,” dit-il, “qui rendit

any other medical man. The *fight* that ensued has been already described. On his cross-examination, (and he was severely cross-examined by a juror) the Alderman would *not submit* to be questioned and *cross-questioned* upon the same point by any man. Could not *submit* to be *cross-examined*.

Mr. John Wood, solicitor, examined.—Has known Mr. Brand for two years—never saw any thing irrational in him. Did not think Mr. Brand's intellects at all impaired. Saw nothing remarkable in Mr. Brand's conduct that morning. Would have no objection to go out with guns to shoot with Mr. Brand. Mr. Brand, in his opinion, was perfectly sane.

Charles Babbage, Esq., senior professor of mathematics at the University of Cambridge, examined.—Did not think that Mr. Brand

folles les filles de præotus." Buffon a emprunté à *l'Espion turc* un fait bien remarquable et depuis copie partout.

In justice to the French government, it must be admitted that it pays the strictest attention to the well-being of the unfortunate maniac. In our *happy* land, as appears by a late Report of the Committee of the House of Commons, there were then immured in one of those cemetières of mental decay, denominated the White House, no less than Eight Hundred unhappy beings, of both sexes, labouring under the effects of this hideous disease, which places man on a level with the lowest of the brute creation; and that only one Surgeon, at some leagues distant, had been employed to visit them three quarters of an hour once every second day during the last twenty years!!!

There was no resident Apothecary—no Pharmacy—no Register kept of the treatment of the Patients—no divine service read to soothe the tortured breast of the unhappy convalescent—the unfortunate victims were left to their fate, considered as outcasts from society;—under the supposition, no doubt, that they were incurable:—and, consequently, only worthy of being entombed in these recesses of mental imbecility!

To add to this humiliating picture, there was no person left on the premises competent to afford the least relief, even in cases of *apoplexy*, or any other mortal disease.

But to crown this scene of barbarity, unparalleled in ancient or modern times, the Paupers were confined in cribs, by *iron chains*, *padlocked*, from Saturday till Monday, throughout the year; whilst the *benevolent* Proprietor, who had been for half a century amassing enormous wealth, dragged out of the bowels of these *malheureux insensés*, considered his visits of *one hour's duration twice in a week* a sufficient discharge of his duty!*

In fact, in a well-regulated establishment, every patient should not only be visited by a regularly-bred medical practitioner at least *twice* in every day, but a Committee (being members of the Royal Colleges of Physicians and Surgeons) should attend frequently, with a view to inspect the management of the insane, as well as to ascertain, by familiar intercourse, the real state of the Patient's mind.

To every such Asylum, I would propose the services of a Minister of the Gospel—a resident Apothecary—a Pharmacy, well supplied with genuine Medicines; and, what would be of still greater importance, that the Government take upon itself the management altogether of these Asylums, and wrest from the hands of the unprincipled and avaricious trafficker in insanity, the sole charge of the Lunatic. Thus the infamous practice of incarcerating the sane part of the people, however few, at the will and pleasure of a doctor, who may,

*By the late Act, (9th Geo IV. c. 41, s. 35) houses licensed for any number of Patients under 100, require to be visited by a medical man only twice a week!!! By the same Act, the Commissioners are only required to visit these Asylums four times a year.

ever showed any irrational signs. Did not think a man should be considered a madman because he *fancied* he *saw forms* in the *curtains, shrubs, &c.*

Mr. Brand's talent was admitted by all. His eccentricities were also shown throughout his life. But who is the man of talent without them? Who would venture to affirm Diogenes or *Dean Swift* or Lord Byron of our times, to be mad? and yet who more eccentric? The fact is, that these eminent persons, like millions of others in all ages and countries, laboured under delusion in respect to particular things; but they were not, therefore, mad. They showed themselves, in all the necessary relations of life, quite capable of conducting themselves with propriety, and some of them have illuminated their fellow-creatures by their learning and genius. If from the tens of thousands of striking instances of delusion with which every page of history, of biography, and of human life supplies us, we may be allowed to select one, we would cite the case of the captains and crews of several ships, who in passing near the crater of one of the great volcanos, thought that they saw an individual who was well known to them, and was moreover notorious for his dissolute life, step into the boiling orifice. They noted the circumstance in their journals, and on returning home found that on the precise day and hour that they had seen the supposed vision, the individual in question had died—and the foolish people took this, which was no other than a delusion, or *deceptio visus*, as gospel proof that their acquaintance was in hell. An action for defamation having been brought by the widow, a justification was pleaded, when twenty or thirty witnesses came forward and proved the fact—and the Chief Justice Herbert and the jury were unanimously of opinion that a verdict should be given for the person who saw the vision. The judge observing "Lord grant I may never see the sight you have seen: two or three may be mistaken, but twenty or thirty cannot." Now I appeal to commonsense whether this was not a delusion of all the witnesses, as well as of the judge and jury. We may safely appeal to the heart of every reader, whether he has not at many periods of his life detected himself in illusory visions. What are vain *chateaux en Espagnes* but delusions? What else is belief in the supernatural interference of the deity? What else is the *Obeah* of the West Indies, —in a word, what is all superstition, whether of *religion, politics*, or opinion, but delusion? And yet it is not madness—neither are the delusions under which Mr. Brand is said to labour, if true, evidence of madness, or of inability to protect himself and his property. The reader will see that on all requisite occasions Mr. Brand conducted himself during the investigation as sensibly as any man in the court.

Mr. Hearn examined.—Had known Mr. Brand for ten years. Never saw any thing in Mr. Brand that was not calm and gentlemanly. Saw nothing deficient in Mr. Brand now. Would not be at the moment of granting his certificate, be himself labouring under a paroxysm of insanity, would at once be for ever abolished in the British dominions.

afraid of being alone with Mr. Brand if he were released from constraint. From conversations I have had with Mr. Brand, and seeing him now, I am decidedly of opinion he is perfectly sane.

Mr. W. P. Wood.—From Mr. Brand's personal appearance and conduct, he should not fear to be in a room alone with him.

Mr. and Mrs. Cooper.—Mr. Brand had lodged with them for some time. They never saw any thing in him indicating insanity.

Emma Doughty, servant to the last witnesses.—Never saw any thing boisterous or ungentlemanly in Mr. Brand. If there was a penny wrong in his housekeeping bills, he sent them back to her mistress to be corrected.

Mrs. Julia Davis and Mrs. Stephens saw nothing boisterous in Mr. Brand.

Mr. Gorton had lent Mr. Brand horses and gigs.—Had never seen any thing in Mr. Brand indicating insanity. Would allow Mr. Brand to drive him in a chaise.

Nathaniel Harris, the coffee-house keeper of Parliament street, called by Mr. Austen against Mr. Brand. Mr. Brand came to lodge at his house nine or ten months ago. He was much agitated. Asked him what was the matter. Mr. Brand told him he wanted some cold roast beef. Witness then went into details explanatory, not only of the squabbles which took place at his house, in which he was the principal actor, but raked up a rigmarole of vulgarisms, in which it would be impossible that Mr. Brand could have mixed himself up. He admits sending this gentleman from his bed-room to the watch-house, confining him there all night, exhibiting him next day at Queen Square, and ultimately lodging him safely in Tothill-fields prison. Thence discharging him, which is immediately followed by the strait-waistcoat scene. And witness *humanely*, with two keepers, takes him back to his own house, from whence he had originally placed him in the watch-house. Judging from his conduct since he came to witness's house, thought him of unsound mind—but he was not skilled in these matters. Mr. Brand appeared better for the last fortnight, less restraint being imposed during that period. Mr. Brand had declared that persons in his house were guilty of a nameless offence. We shall conclude this person's evidence by expressing our astonishment, that he would receive Mr. Brand into his house, and afterwards become his keeper after such a declaration!!!

Miss Mary Brand called in.—Mr. Brand acted very extraordinarily. (Here witness had shown great affectation; that fainting scene, so peculiar to women, commenced,—a glass of water was loudly called for, and the call was loudly re-echoed round the room,—the waiters were put in requisition,—a chair was presented, and the lady at last took her seat and was happily recovered.) Declared that Mr. Brand's conduct was more remarkable than his words.

Mr. Hall, Solicitor, examined.—Thinks Mr. Brand sane.—The *bad smell* in his room, at Harris's, affected witness's head.

Mr. G. Dunsford sworn.—Knew Mr. Brand many years.—Never saw any thing in him to lead him to think that he was insane. Cross-examined by Mr. Austen.—Would not fear to accompany Mr. Brand on a shooting excursion, if he were liberated, this moment.

Mr. Samuel Simmons said that he had known Mr. Brand for two years. Saw nothing in him which would lead him (witness) to believe him insane. Had always considered him a peculiar man, and in the habit of using an ironical mode of expression. Therefore, many of his expressions might be misunderstood.

—Callicourt. Knew Mr. Brand some years, played at cricket with him. Thought him perfectly sane.

Nathaniel Domet did not think Mr. Brand insane.

Mr. Bailey examined.—Thought him perfectly sane. Had done business with Mr. Brand as a stock-broker. Never saw any thing wrong in his conduct.

Mr. Brook, a wine-merchant.—Considered Mr. Brand sane. Had seen insane persons.

Mr. F. Mathew.—Saw nothing in Mr. Brand to induce him to think him insane. Witness, “I know something of lunatics, from having a member of my own family affected with that complaint.”

Hall—a labourer on Mr. Brand’s farm, deposed to the excellence of that gentleman’s mode of agriculture.

Mr. and Mrs. Harris re-called.—Corroborated their former testimony; which had been given for the purpose of invalidating the evidence of Mr. Alderman Wood.

Francis Mercier—knows Mr. Brand, and thinks him perfectly sane.

Mary Brewer, Thomas Tilley, and William Wright.—They had business with Mr. Brand, and always considered him rational.

Mary Barton servant at Harris’s coffee-house, re-examined.—Had been in a room with Mr. Brand when he had a knife in his hand. Had not the smallest fear of him. Thought it would be better to keep Mr. Brand without a strait-jacket.

Witness was obliged to lift Mr. Brand’s wine to his lips in consequence of the jacket.—In answer to Commissioner Whitmarsh.—I swear I have never seen any thing in Mr. Brand to induce me to believe that a strait-jacket ought to be placed upon him; and that in her judgment he was perfectly sane. Mr. and Mrs. Brand had always appeared happy before the mad-doctors came to see him.

Tyrrell Fairhead, carpenter, of Sutton.—Worked for years for Mr. Brand. Never saw the slightest symptoms of insanity in him.

Mr. J. Coope and Mr. Samler never heard that Mr. Brand was charged with insanity.

Mr. James Piddington, a land-agent, thought Mr. Brand perfectly sane; and that his mode of farming was judicious.

Mr. Marriott examined.—The worthy magistrate thinks it was in July that Mr. Brand was brought before him for assaulting Mr. Harris.—Required him to give sureties to keep the peace. Thought, from Mr. Brand’s letters to the Duke of Wellington and Sir

Robert Peel, that his mind was affected. Took the opinion of the medical attendant of Tothill-fields on the subject; and Mr. Brand was incarcerated there. Mr. Brand had charged Mr. Harris with assaulting him. Witness refused to entertain the charge. Why the worthy magistrate did not take Mr. Brand's (a man of £4000 a year) personal recognizance to answer the charge at the sessions, is a question which Mr. Marriott alone can resolve. We believe him to be, however, the most respectable of the Queen-square magistrates.

Mr. Dunne examined.—Thinks, with the mass of people, that Mr. Brand is as sane as persons are in general; thinks that every man has his deranged moments: and that a uniformly cool and sedate reign of reason is rather an artificial than a natural state of the order of the human mind; thinks the jury ought to be made acquainted with the general species, and symptoms of insanity, (which he offered to lay before them; this offer was rejected by the commissioners;) was of opinion this rejection would be detrimental to Mr. Brand's case.

Mr. Moody recollected Mr. Brand asking Dr. Babington if he, Mr. Brand, were mad; and Dr. Babington's answer was, I do not think you mad. Some of the conversation in Tothill-fields prison might be in joke. Recommended with the physician, that this commission should be taken out. Witness thought Mr. Brand should be under restraint. He has seen nothing to-day to alter that opinion. "One or two questions put to me by Mr. Brand confirmed that opinion. By my sanction this commission was proceeded with."

Mr. and Mrs. Stephens, parents of Mrs. Brand, were next examined. They considered Mr. Brand to be of sound mind.

Hannah Stephens, daughter to the last witnesses, saw nothing crazy about Mr. Brand.

Mr. John Smith, a surgeon, spoke to the sanity of Mr. Brand.

Mr. Austen then summed up, and

The Jury retired for a few minutes, and on their return the foreman stated, that it was the opinion of the jury, that John Brand is a lunatic without lucid intervals, and has been incapable of managing his own affairs since April last; when the chief commissioner exclaimed, "a very satisfactory verdict indeed, gentlemen!"

We shall only here state, this verdict was unexpected, we believe, by every sane man in the kingdom. Poor Mr. Brand, however, heard it communicated with that coolness and self-possession, which has accompanied him from the first moment of his imprisonment to the present time; and immediately left the room in custody of his keepers, when the court broke up.

Mr. Brand was without delay conducted to Dr. Sutherland's mad-house, Chelsea, where he remains immured, and where he is allowed no communication with the medical adviser of his own choice.

The verdict must strike every thinking mind with surprise and astonishment, when they are informed that the jury found Mr. Brand not only a lunatic, but without LUCID INTERVALS!!!

The opinion of medical men is that there can be no *lunacy* without lucid intervals, as well as of Sir W. Blackstone, who defines a lunatic, or *non compos mentis*, to be one who has had understanding, but by disease, GRIEF, or other accident, has lost the use of his reason; * but that a LUNATIC is indeed PROPERLY one who hath LUCID INTERVALS, sometimes enjoying his senses, and sometimes not, and that frequently depending upon the change of the moon: but under the general name of *non compos mentis*, which Sir Edward Coke says is the most legal name, are comprised not only lunatics, but persons under frenzies, or who lose their intellects by disease; those who grow deaf, dumb, and blind, not being born so; or such, in short, as are judged by the Court of Chancery incapable of conducting their own affairs. †

Lunacy is a partial derangement of the intellectual faculties, the senses returning at uncertain intervals. ‡

“A memory which the law holds to be sound is, when a testator has understanding to dispose of, or a mind to manage his estate with judgment and discretion; which is to be collected from his words, actions, and behaviour at the time, and not from his giving a plain answer to a common question.

“But it is of considerable importance to ascertain, with some precision, the nature of that suspension of general lunacy, a *lucid interval*. The nature of a *lucid interval* is, in fact, a real calm, not an apparent one; its duration must be sufficiently long to admit a judgment of its reality. Nothing can be more distinguishable than a reasonable action and an interval. The one is an act, the other is a state; the act of reason may subsist with the habit of madness, and if it were not so, a state of folly could never be proved.”

“Two different states divide all men, if you except the really sage. § The one are deprived entirely of the use of reason, the others make a bad use of it, but there is not sufficient reason for declaring them to be in a state of folly; the one are destitute of the light of reason, the others have a feeble ray, which conducts them to a precipice; the former are dead, the latter ill; these still preserve an image, and a shadow of wisdom, which is sufficient for filling in an ordinary manner the common duties of society; they are deprived of a real sanity of mind, but can lead a common, usual kind of life; the others have ever lost that natural sentiment which binds mankind together by the reciprocal performance of certain duties. Let us apply ourselves to this last character, which is the most sensible of all, and to which the application is the most easy.

“A sane person, in the sense of the law, is one who can lead a common and ordinary life; an insane person is one who cannot even attain the mediocrity of these general duties. *Mediocritatem officiorum tueri et vitæ cultum communem et usitatum.*”

* 1 Black. Com. 304. † 1 Inst. 246. ‡ 1 Hale, 31; 4 Bl. Com. 24.

§ The word *sage* being used in the French language to express both the elevation of wisdom and a common state of sanity, has an effect in this discussion which cannot easily be retained in translation.

With a view then to obtain solid justice in every case of insanity at least one of the commissioners should be a medical man, and the majority of the jury should be composed of physicians or surgeons acquainted with madness; no supposed lunatic should be put on his defence without the aid of counsel and attorney; and, in the first instance, previously to incarceration, the alleged lunatic should be examined by a board of at least six regularly bred medical practitioners; upon whose certificate alone further proceedings should be taken; and not, as in the present case, on the certificate of an interested individual, as all mad-doctors are who, as in the case of Dr. Burrows,* granted a certificate to consign to a dungeon a fellow-creature who was not at all insane.

The reader will also weigh maturely the evidence we have laid before him; consisting of a mass of direct testimony of Mr. Brand's sanity emanating from distinguished medical and private characters; and, on the part of the commission, of the *weakest* and most *inconsequential evidence* that was ever given before a jury; evidence proceeding principally from *law personages* and *mad-doctors*, evidence *unsupported* by even the *shadow* of *sound medical* or *logical* reasoning, and the *unsatisfactory* nature of which forms as clear a *proof* as any other of the *feebleness* of the cause in support of which it was adduced. I say, the reader will consider this evidence, and in doing so, he will see abundant reason for my having originally espoused the cause of Mr. Brand. I did so from a conviction arising from professional intercourse with that gentleman,—from my deliberate and anxious consideration of his demeanour under his unfortunate circumstances, and from having in vain looked in it for any of those indications to which I have been, for a long series of years, accustomed to direct my attention.

My conviction of Mr. Brand's sanity was, if possible still further confirmed by the body of testimony which he produced in proof of it (and he would have produced much more had he not been prevented)—by the flimsy nature of the facts which, by a flagrant *misnomer*, the Counsel for the prosecution called *proofs* of *insanity*—and my surprise was great indeed when I found that the Jury brought in a verdict against Mr. Brand.—My resolution was at once taken—I came to the determination of maintaining a cause which had been already so well supported by the unassisted efforts of Mr. Brand, and I gave instructions at the desire of that gentleman for a petition to traverse to a Mr. Hall, an attorney whom, in the hurry of the moment, I employed. The natural object which Mr. Brand as well as myself had in view, was that during the interim between the verdict and the new trial, Mr. Brand should have the privilege of choosing his place of confinement; but in order to empower him to do so, it was necessary that the petition to traverse

* As we have mentioned Dr. Burrow's practices, we need only, in corroboration of our own opinion of his *knowledge* of the disease, refer the reader to the *New Monthly Magazine* for May, 1829, page 195, for a just estimate of that *amiable* and *learned* production!!

should be lodged before the 7th of Sept. last.—I therefore strictly charged that attorney to file it on or before that day, and he most faithfully pledged himself so to do; and he afterwards told me he had actually filed it in due time.—But having discovered that no such petition had been filed, and that consequently Mr. Brand would be confined in the house of a man whom he has especial reason to fear and dislike, (I mean Dr. Sutherland) I lodged a petition (page 90) myself; together with an explanation of the circumstances, which I have detailed in the following letter to Mr. Freeth, associate of Mr. Lowdham of the lunatic office.

MR. DUNNE TO — FREETH, ESQ.

“ Manchester Buildings, Westminster,

“ September 16th, 1830.

“ Sir,—In reply to your letter of yesterday’s date, and the communication you did me the honour to make to me at your office respecting Mr. Hall having filed a petition, after I had filed one on the part of Mr. Brand, I beg leave to say,

“ Firstly: That my letter to Mr. Hall, a copy of which is enclosed,* will explain my reason for filing mine; and also for informing him he was no longer to act in Mr. Brand’s business.

“ Secondly: Because when I first employed him for Mr. Brand, it was only to serve some summonses to bring up witnesses, which the court refused doing themselves, or causing to be done, but permitted Mr. Brand to find a person to do it; and Mr. Brand being without either counsel or attorney—nay, without a single human being to cause those summonses to be served, was the reason for my so employing Mr. Hall on account of Mr. Brand.

“ Thirdly: That after the very unexpected verdict, which I confess I did not anticipate, I again employed Mr. Hall for Mr. Brand, to present a petition to traverse forthwith. That he obtained Mr. Brand’s signature for the purpose, solely on condition that he would have filed it on Tuesday week. That he pledged himself most solemnly to me in the presence of a witness some days afterward, that he had done so, having previously applied to me for the sum of £10, which he said it would cost in filing.

“ Fourthly: That on the 10th day of September instant, having learned some particulars respecting the comportment of Mr. Hall, of which I had till then been entirely ignorant; my suspicions having been aroused, I applied at the Lunatic-office to inquire if the petition had really been lodged; when to my astonishment I was informed by the clerk there, that no petition whatever was lodged by him; that the expense of lodging a petition was only sixteen shillings. And that any person was authorized to lodge a petition on the part of Mr. Brand.

“ Fifthly: That considering every moment of the greatest importance to Mr. Brand, and having *justly lost all confidence* in Mr. Hall, who had so solemnly pledged himself that he had filed the said petition several days before, and had not done so; and having heard *that Mr. Hall was not a person to be relied on*, I filed a petition myself; offering to become responsible for the costs, and praying that no money which the Lord Chancellor might cause to be issued for Mr. Brand’s defence should be lodged in the hands of any person but an officer of the

* MR. DUNNE TO MR. HALL, ATTORNEY AT LAW.

“ Manchester Buildings, Westminster,

“ 11th September, 1830.

“ Sir,—You having solemnly affirmed to me that you had filed Mr. Brand’s petition on Tuesday last, when in fact it is not to this hour filed by you, I have to acquaint you that one was filed by me last night, and a copy thereof left for the Lord Chancellor.

“ This step I have been obliged to take, in consequence of your having made the statement to which I have alluded, and as I feel myself under an obligation to protect Mr. Brand from any injury arising from my having introduced you. You may conceive my surprise on learning that the fees on filing the petition amounted only to sixteen shillings, instead of the £10, which you demanded.

“ If it were only for the latter reason, it is superfluous to add that your further attendance to Mr. Brand’s affairs is dispensed with.

“ I am, Sir, &c.

court, having learnt that Mr. Hall was not a person of any responsibility, and that even his own father would not permit him to approach his office.

"Sixthly: That Mr. Hall, on hearing that I had filed the petition, found it convenient to file one himself; but not for several days after he had assured me he had done so, to the great injury of Mr. Brand's case; praying therein that his Lordship would be pleased to order that a certain sum of money should be placed under his (Hall's) controul for the purpose of carrying on the traverse.

"Lastly: I beg to reiterate, that in serving Mr. Brand I am actuated by no other motive than humanity. That my only desire is to obtain for that oppressed gentleman a trial in the Court of King's Bench. Satisfied as I am of his sanity; and my horror of seeing a sane individual trammelled with a strait-waiscoat, tyrannized over by three ruffianly keepers, and on the point of being plunged for the remainder of his days in the most horrible of all prisons—the dreary dungeons of a mad-house. Allow me, sir, to repeat to you for the information of the Lord High Chancellor, that these reasons are solely the cause of my interference on the part of Mr. Brand.

"I am no Shylock; I desire no remuneration. I wish not to be the Vampyre to suck out the blood which the late melancholy dilapidations of his fortunes in law expenses has left Mr. Brand.—I seek only that he should have the justice ensured by the Constitution to the humblest Englishman. I seek that redress, too, at my own expense. But, sir, I will leave you to think if any thing can be said in favour of a man like Mr. Hall, who demanded the sum of £10 of me merely to file the petition on the part of Mr. Brand; when he well knew that little more than as many shillings were necessary;—a species of conduct which prevents me from the possibility of mixing myself up with such a man, whom I had the misfortune unthinkingly to recommend, owing to the extraordinary shortness of the time allowed to serve those summonses; although I knew nothing of his previous professional or private conduct, both of which I have since understood to be such as not to entitle him to confidence.

"I have only to add, that I propose immediately to have recourse to reputable professional aid, to enable me to follow up to the fullest extent the proceedings connected with the petition which I have lodged. Persuaded that by this means an individual of honour and respectability will be restored to the bosom of society, and the violated happiness of his fire-side.

"To this I have given a pledge at Mr. Brand's earnest entreaty, not to desert him in his misfortunes; a pledge which no power under Heaven, even at the risk of my existence, shall ever compel me to relinquish.

"I have the honour, &c.

"CHARLES DUNNE."

THE PETITION

IN THE MATTER OF JOHN BRAND, A LUNATIC.

To the Right Honourable the Lord High Chancellor of Great Britain.

The humble petition of John Brand, late of Sutton, in the County of Suffolk, but now residing in Parliament Street, in the County of Middlesex, Esquire;

Showeth,

That a Commission in the nature of a *Writ de Lunatico Inquirendo*, bearing date 11th day of August, in the present year of our Lord, 1830, was awarded and issued, directed to certain Commissioners therein named, to inquire of the Lunacy of your Petitioner And that the said Commission was duly executed before three of the Commissioners in the said Commission named; and by the Inquisition, taken under the said Commission, on the first day of September

instant, it was found by the Jury, that your Petitioner was a Lunatic without lucid intervals, and incapable of managing himself or his affairs, from the first day of April, in the present year of our Lord, 1830, and that he was not sufficient for the government of himself, his manors, messuages, lands, tenements, goods, and chattels.

That your Petitioner had no previous notice of the intended Inquisition, otherwise he would have been better prepared for his (your Petitioner's) defence thereto.

That your Petitioner then was, and now is, desirous that he may be permitted to traverse such said Inquisition, but had not then, has not had since, and has not now, money sufficient to defray the expenses of the said traverse.

That your Petitioner hath been informed that it would cost a considerable sum of money to present a Petition to your Lordship, for the purpose of obtaining permission to traverse such said Inquisition.

That your Petitioner is suffering in the greatest possible degree for the want of money for the purpose of paying the expenses of a Petition to your Lordship for such the relief of your Petitioner.

That your Petitioner hath not the means of paying the expenses of presenting such Petition, and of paying such fees attendant thereon.

That your Petitioner is greatly aggrieved and prejudiced by the issuing of the said Commission, and the return of the said Inquisition, and that your Petitioner is of sound mind, and perfectly competent and sufficient for the government of himself and his property.

That your Petitioner is desirous that the said traverse should be tried in the County of Middlesex.

That your Petitioner is possessed of large freehold estates in the County of Suffolk and elsewhere, and is also entitled to large sums of money, but your Petitioner is restricted from having any control thereof.

Your Petitioner, therefore, humbly prays that your Lordship would be pleased to order that the said traverse should be forthwith tried, and that your petitioner may be furnished with a copy of the evidence given at the said Inquest, and that your Lordship will be pleased forthwith to direct that such a sum as your Lordship shall think necessary for the said traverse, and for your Petitioner's sustenance, and for that of his proper attendants, until the same shall have been tried, may be paid into the hands of an officer of this Court for your Petitioner, or otherwise, as your Lordship may direct, for the purpose of defraying the expenses of such said traverse; and that your Lordship may forbid and restrict any person or persons from interfering with, or molesting your Petitioner; and that your Lordship will be pleased to extend such protection not only to your Petitioner in his house, but (until the said traverse shall have been tried) in every other place when accompanied with a proper attendant, and that your Lordship will be pleased to make such order, as to your Lord-

ship shall seem meet; and your Petitioner shall ever pray, &c.

Petition filed at the Lunatic Office by Mr. Dunne, 10th of September, 1830, for order to traverse the Inquisition.

We have thus presented a faint sketch of the *machinery* of this uncalled-for commission, and have waded through a mass of evidence, to say the least of it, the most extraordinary ever witnessed in this country under a commission of lunacy. We have, too, on the part of Mr. Brand, presented to the reader the testimony of nearly fifty highly respectable witnesses, many of whom were in the constant habit, for years past, of associating with Mr. Brand, even down to his workmen, and the persons with whom he lodged on various occasions. This host of witnesses, compared to the little more than half-dozen interested persons who appeared for the commission, must, with every rational being, set the question at rest for ever in favour of Mr. Brand's sanity.

We say, then, if ever there was a case loudly crying out for investigation it is this case of Mr. Brand's. Here we find Drs. Sutherland and Paris, in the face of the court, in the presence of a jury composed of twenty-one persons, declaring that Mr. Brand was then in such a state of madness, as not to be trusted with his liberty, though in custody of three keepers, without the coercion of a strait-waistcoat; when every human being in the court must have witnessed the temperate conduct of Mr. Brand throughout the whole of the investigation; which, notwithstanding all the studied perplexity of the cross-examinations, sufficient in themselves to confuse the mind of any man, even without the adventitious aid of a strait-waistcoat and three keepers, could disturb. *To this may be added, that so rigorously was this strait-waistcoat applied, that the witness Mary Barton had to lift his wine to his lips.* And to all this, too, Mr. Brand was subjected, without any legal adviser, or even a friend being allowed to offer a word in his behalf—and this too, in this boasted land, which vaunts of its Magna Charta and its Bill of Rights.

From the high opinion I had early formed of the noble and generous disposition of the Lord High Chancellor, I hastened to call his Lordship's attention to this painful case by the following letter, addressed to the Secretary of Lunatics, Mr. Lowdham, whose promptitude in the cause of impartial justice, appeared to me manifest.

MR. DUNNE TO S. A. LOWDHAM, ESQ. SECRETARY OF LUNATICS.

"Manchester Buildings, Sept. 10th, 1830.

"SIR,—The enclosed printed paper (see page 56) contains such of my statement on the subject of insanity as Mr. Commissioner Phillimore thought proper to refuse being laid before the jury; which, in my opinion, would have enabled them to have formed a correct opinion of lunacy. I say, I was prevented by Mr. PHILLIMORE from doing so; although I so strongly urged the necessity of my being fully heard, not only in behalf of abstract truth

and justice, but on the part of a man who was, in my opinion, as sane as any man in the Court. The unwarrantable interruptions I experienced must have been conspicuous to every *sane* man present; and I have to regret that I was prevented from throwing all the light in my power on the case under investigation, though my evidence might not be squared by the hacknied dogmas of legal quibble; for I take on myself to say, without fear of contradiction, that the first law of God and man is, to inquire into the *WHOLE TRUTH*, in whatever manner it may be possible to arrive at it. Mr. Brand then in my judgment has fallen a victim to an accumulation of unfavourable circumstances.

“ 1st. The whole of his witnesses not having been examined, nor the whole testimony of such as were examined, heard.

“ 2ndly. The absence of legal advice to assist Mr. Brand in his defence.

“ 3rdly. The improper conduct, unchecked by the Court, of Mr. AUSTEN, the counsel for the Commission, in the examination of the witnesses, and in his summing up.

“ 4thly. The utter want of funds to employ either counsel or attorney, the whole of Mr. Brand’s property being withheld from him.

“ 5thly. The unfavourable circumstances in which he was placed previously to his trial, arising from the deliberate system of excitement practised upon him—from the attack on him at Camberwell to his confinement in watch-houses and prisons, and subsequently in a small room over Harris’s coffee-shop;* and ultimately this very Harris, whom he had every cause to detest, being placed over him as a keeper, and preventing him from seeing even his medical adviser.

“ I have the honour to be, Sir, &c.

“ CHARLES DUNNE.”

We shall conclude our detail of this extraordinary trial, by transcribing a letter received by us from Mr. Brand, subsequently to the delivery of the verdict against him. *We* could not, and we are satisfied that no man of right feeling can, peruse it without emotion. The whole *manner* of it, as well as its substance, bespeaks it written by the victim of oppression. However we may deplore the possibility of such a triumph to his enemies, we must confess we coincide with the writer’s opinion of the probability that his reason will at last give way to his complicated calamities. The natural indignation he must feel for his hard and unjust lot;—his anxiety for the sweets of liberty, the best blessing of heaven, of which he had been deprived—his justifiable antipathy to his present keeper, Dr. Sutherland, who has taken such a prominent part in these

* Harris’s bill, for the few weeks Mr. Brand was imprisoned there, amounts to no less a sum than £300!!! By the bye, we would ask this man of *tea and toast* what is become of Mr. Brand’s service of plate of considerable value, and by whom it was removed from his house at Sutton, whilst he was incarcerated at the coffee-house?

proceedings—his uncertainty for the future, and his fear that it will afford no prospect of change in his melancholy and dreary destiny;—these causes, we repeat, combined with the musings of solitude, and the absence of purpose or occupation, must, we apprehend, ultimately lead to a *real* derangement of Mr. Brand's intellect. Let his oppressors answer for it. *We* have done our duty in expressing our anticipation of such a result. We leave Mr. Brand's cause to the effects of that public sympathy which his letter cannot fail to kindle.

MR. BRAND to MR. DUNNE.

"Harris's Hotel, Parliament Street, Westminster, Sept. 8, 1830.

"DEAR SIR,—I shall feel obliged, if you can contrive the means of ascertaining to what place I am removed, if I be taken from this house.—I hear, but from no certain authority, that it is probable I shall be removed to day to Dr. Sutherland's mad-house: if so, there is but little chance of my retaining my mental faculties much longer. I remain your's truly,

"CHARLES DUNNE, Esq."

"JOHN BRAND."

"I sat down," said the immortal Sterne, whose heart was made of different materials to that of Mr. Austen's, "close to my table, and leaning my head upon my hand, I began to figure to myself the miseries of confinement. I was in a right frame for it, and so I gave full scope to my imagination.

"I was going to begin with the millions of my fellow-creatures born to no inheritance but slavery: but finding, however affecting the picture was, that I could not bring it near me, and that the multitude of sad groups in it did but distract me. I took a single captive, and having first shut him up in his dungeon, I then looked through the twilight of his grated door to take his picture. I beheld his body half wasted away with long expectation and confinement, and felt what kind of sickness of the heart it was which arises from hope deferred. Upon looking nearer I saw him pale and feverish: in thirty years the western breeze had not once fanned his blood—he had seen no sun, no moon, in all that time.—

"But here my heart began to bleed—and I was forced to go on with another part of the portrait.

"He was sitting upon the ground upon a little straw, in the farthest corner of his dungeon, which was alternately his chair and bed: a little calendar of small sticks was laid at the head, notched all over with the dismal days and nights he had passed there—he had one of these little sticks in his hand, and with a rusty nail he was etching another day of misery to add to the heap. As I darkened the little light he had, he lifted up a hopeless eye towards the door, then cast it down—shook his head, and went on with his work of affliction. I heard his chains upon his legs, as he turned his body to lay his little stick upon the bundle.—He gave a deep sigh—I saw the iron enter into his soul—I burst into tears. I could not sustain the picture of confinement which my fancy had drawn!"



MR. DUNNE'S REPLY
TO
COUNSELLER AUSTEN'S SUMMING UP,
IN THE CASE OF MR. BRAND, AN ALLEGED LUNATIC.

Melius non tangere clamo.—HOR.

Hight *Austen* skilled to dash and draw,
Not wine,—but more unwholesome Law.—HUDIBRAS.

MR. AUSTEN, the *locum tenens* of Mr. Serjeant Taddy, rose *majestically* from a *stool* to sum up, and thus spoke the *Barrister*, after a few hems and haws, as is usual in the like cases:—

Messieurs commissioners and gentlemen of the jury, said he, bowing very *modestly*; it is quite *impossible*, nay, entirely *out of the question*, that any one should doubt, for a single moment, my *own honourable* intentions, or attach the least suspicion of *interested motives*, to any of the parties;—no, said he, after having *thrice energetically thumped* his brief, not even to Mr. Moody, who originated this inquiry. It was planned and executed solely for the *love* of Mr. Brand, and a *tender affection* for his property! The real party, Mr. Fitzbrand, adds this *second Demosthenes*, was no more than a nominal party, and by the rule of law had nothing at all to do with the matter. What excellent logic!—what a happy discovery! This inquiry was instituted by persons, says the barrister, *almost melting in tears*, who made themselves liable for the immense expense of the inquiry; and behold, they did all this,—nay, much more! without the hope of receiving one farthing for their pains, or of being in any way reimbursed, whatever might be the issue!!!

Benevolent friends! Fortunate protégé!! Admirable advocate!!!
 But with all this poor Mr. Brand would have willingly excused this
parental care: as well as the man of law's noble philanthropic
so'iloquy!

“ And as in prison *mean rogues* beat
 Hemp, for the *service* of the *great* ;
 So WHACKUM beats his *dirty brains*,
 T^e advance his Client's fame and gains.”

Ah ! Mr. Austen, unhappily this *pseudo disinterestedness* is too much the order of the present day, and we believe that no men in the kingdom are so liable to this *sort* of *delusion* as the *lawyers* and MAD-DOCTORS of the nineteenth century. In reference to the *latter* we have already given many proofs of this truth ; of the former, let it suffice out of thousands of cases in our possession to mention yourself,——Sutton, the attorney lately struck off the rolls for conduct exhibiting more of folly than of knavery ; we might add the Duke of Wellington, when he declared in his place in the House of Peers, “ that he must have been worse than a madman if he had ever thought of occupying the post of first minister of this country !!!”*

“ ————— slaves!
 See all our *fools* *aspiring* to be *knaves* !
 Ah, all look up with reverential awe,
 At crimes that 'scape or triumph o'er the law :
 While truth, worth, wisdom, daily they decry—
 NOTHING IS SACRED NOW BUT VILLANY!!!

We recommend it to the NOBLE DUKE, and to all persons who think themselves *tainted* with *folly*, to read the following extract, copied from the *Times* of the 5th of October, 1830 :—

“ The clerk of Mr. * * * *, a solicitor, applied to Sir Richard Birnie, to know the amount of bail which would be necessary in the case of Mr. Newton, the gentleman who was last week charged with having used threatening language to his relative, Captain Hopkins, and who was committed to prison for want of sureties.

“ Sir Richard Birnie replied, that Mr. Newton, by his conduct towards his late Majesty, the Duke of Wellington, and others, had clearly proved himself to be a person not fit to be at large, and therefore he (the magistrate) felt that he would not be justified in admitting him to bail on any terms.”

Without giving an opinion respecting the general comportment of Sir Richard Birnie on his bench, we cannot refrain from observing, that in this case he has, in our judgment, overstepped the privileges ensured to the subject by Magna Charta, for every man in the kingdom is entitled by the law to put in bail for an assault ; and the prisoner having offered good bail, had a right to his discharge. If indeed a charge of insanity had been preferred, we apprehend that Sir Richard would have done well before he declined accepting bail, to have sent for a respectable professional man,

* V. de Mr. O'Connell's speech in the House of Commons, *idem sonans*.

acquainted with the symptoms of madness; for, from the reports in the newspapers, it would appear that Mr. Newton was only charged with an assault and threatening his relation, when, in fact, he seems to be incarcerated for being insane. We tremble for the powers already given to mad-doctors in confining men on their bare certificates, but when the magistrates take this power into their hands without even such a certificate, we have still more reason to shudder at what may be the result.

In making these observations, we beg to be clearly understood that we have no intention to cast reflections on the conduct of Sir Richard Birnie, but rather to offer our voice in support of Magna Charta and the Bill of Rights.

But to return to our counsellor, whom we left labouring, no doubt, under the *delusions* of the poet, but instigated by one of the *trio* at the front of this reply, has had the *hardihood*, and in no measured terms, to charge us, in his summing up, with having encouraged witnesses to come forward on the part of Mr. Brand. Is this a crime, Mr. Austen? even were it as true as it is false; or would it better suit your notions of justice to have a revival of the Star Chamber in Britain? Your mighty genius also, by virtue of your *talisman*, (which has, however, lately been broken) soaring to the height of medical *acumen*, with *eagle's eye*, you pounce upon Mr. Dunne's ideas of insanity! your *enormous* talent tells you that he formed an *erroneous idea* of the *nature* and *definition* of lunacy; and you *gratuitously* add, that *there was no ground for falling into such a mistake*. By-the-bye, what the *learned gentleman* meant by this last passage, it is not very easy to comprehend. Perhaps he will *condescend* to favour the public with an explanation on the first occasion he has *again to advocate that a sane man is a lunatic*. The counsellor goes on to say, amongst other things equally absurd, that this matter had been clearly laid down and *explained* by Sir George Tuthill. Aye, there's the rub! and he makes the *worthy* and *redoubted knight* say, that "sanity was the *genus*, and *lunacy* one of the *species* arising from delusions periodically influencing a man's mind, so that he had no control over them, or the power of exercising his sound reason!!" Thrice *happy definition* of madness!!!—worthy of the *learned gentleman* and his *companion the knight*. But to be serious, if possible, for a moment; this *jargon*, just as intelligible as the former trash, *explained* (he triumphantly exclaimed) the "species of insanity" under which it appeared to the knight that "Mr. Brand was labouring." Oh! admirable and *scientific classification*! Oh! *classical purity of style*! Oh! *nature*, how hast thou spoiled this WHACKUM, who, at the Temple-stairs as an excellent waterman, or perhaps at Warburton's White House, as a modern Esculapius, would have shone so conspicuously, hadst thou not *put him forward to the bar* of public opinion. Mr. Dunne, however, with all the *modesty* inherent in his disposition, prays *you* and the *redoubtable knight* to

deign a glance on the extracts from his work on insanity, partially detailed in this report; and which he had ardently desired to lay before the jury to meet the knight's *supernatural* genius, had he not been so unjustly precluded from that course by the crooked policy of the counsellor, whose object from the first was manifestly to make the *worse* appear the *better* reason. The *learned gentleman* went on to say, that in his judgment Mr. Brand was a *dangerous lunatic*, and in support of his argument he observed that Dr. Paris had *sworn* to the fact. He said, as a proof of madness, that Mr. Brand *fancied* he saw pictures at the exhibition which were likenesses of his acquaintances.

Astonishing power of deduction! Mr. Austen's *sagacious* argument, if thrown into syllogistic form, would appear thus:

Major.—Whoever goes to an exhibition of pictures and thinks he recognises in some of them the features of a friend is *mad*.

Minor.—*But* Mr. Brand saw pictures at Suffolk-street which bore some resemblance to Mrs. Dashwood and others.

Conclusion.—Ergo. Mr. Brand was mad.—*Admirable* Logician! —*True* successor of Aristotle!! Pleasantry apart, we are amazed that a jury of 21 *sane* persons could listen with patience to such nonsense! As to other delusions alluded to, has there been a trick or scheme left untried to impose on the mind of Mr. Brand? “*Sham* Dukes, *sham* Captains, *sham* Peels, *sham* friends,—in fact, every thing *sham*, except the enormous expense of this commission,” were resorted to; but have we had in the whole course of the evidence for the commission previously to, on or after the *Camberwell expedition*, one real symptom of actual madness laid before the public? For it ought to be understood that there is a considerable difference between madness in words and madness in actions. Counsellor Austen, however, after having in no measured terms thrown his *legal dirt* right and left on the witnesses against the commission,—many of whom, if they had been present, would have repelled his unmeasured attacks, observes, that Mr. Brand's conduct and demeanour during this inquiry, which, as well as his manner of cross-examining the different witnesses, would afford a strong proof, if any other were required, of his insanity. This discovery, like some of the others of the *sapient* counsel, is so preposterous as to need no reply; and we venture to say there was not a single man in the room, the jury and court excepted, that was not satisfied from the whole comportment of Mr. Brand, that he was perfectly sane. His marriage, too, the counsellor said, proved his madness. When we admit the impropriety of this marriage, as we do in many other families of the first distinction in the country, we deny that all who make imprudent marriages are mad. And Lord Stowell, whom he quoted on the occasion, must have been mad himself if he ever said so. Yet we possess enough of christian charity to acknowledge that we have witnessed sufficient follies in the conduct of Mrs. Brand toward

her husband, to *madden the brain* of a man of the soundest mind ; but, indeed, according to the poet—

“ Woman’s at best a contradiction still!”

The counsellor then called on the jury to save him (Mr. Brand) from his present disreputable connexion, and from his own *delusions* ; observing that had he agreed to a *tutelage*, this commission would have never been issued.—Ah! *Counsellor* Austen, now the murder is out!—had Mr. Brand, according to your own showing, consented to the transfer of his property, he would have been *now*, in *your* estimation, a *sane* man!

“ When vicious passion or whom *Falsehood*, blind,
Are by the Stoics held of madding kind.”

In answer to your *gratuitous philippic* against myself, I have only to offer the following observations by way of reply ;—“ Innocence shall make false accusation blush, and tyranny tremble at patience.”

I say, then, that Mr. Austen from the first was conscious of Mr. Brand’s sanity, and I dare him to swear to the contrary ; he was nevertheless, foolish enough to think that by brow-beating the witnesses against the commission, he would be enabled to succeed in his spurious speculation ; and he consequently made a point to attack, with vulgar and insulting epithets, every individual who was bold enough to come forward on the part of the unfortunate victim, whose unnecessary shackles not only provoked the indignation, but excited the general sympathy of the spectators. Mr. Brand was thus unwarrantably manacled, and exhibited to public gaze, to strike the minds of his judges, the jury, and the public with a prejudiced conviction of his insanity ; and thus was Mr. Brand’s case *prejudged* before it was finally heard.

If any thing were wanting to complete the picture is it not found in the very summing up of Mr. Austen himself, when he had the presumption to say that all those examined for the commission were “ *honourable men*,” but that all who were examined against it (that is, in favour of Mr. Brand) were *obscure persons* or *servants whose minds* had not been sharpened by education. This lawyer, a *keen shaver*, no doubt, who owes his “ sharpness” to the *march of intellect* of our times, did not even condescend to except from his *thundering anathema* that eminent surgeon Mr. Brodie!!! no more than a member of the legislature, and one of the commissioners of lunacy, to say nothing of other men of high honour and respectability. As to the learned *smellfungus’s* attack on my Latin “ *Omnes homines insaniunt*” I have only to say that the lowest attorney’s clerk could shew the purity of the sentence. Mr. Austen’s doubts about it manifestly indicate that he is grossly ignorant of that tongue, and his *miserable* attempt at Greek proved him to demonstration, deplorably destitute of even the meanest rudiments of that language. Covert attacks on witnesses of this nature have their effect only in

ordinary minds ; with a just and discriminating public, such sinister *means* cannot fail to have a contrary result ; and in proportion to the minds of the people being enlightened, such an unfair and unprovoked attack must consequently lose its influence, and always be, as we before remarked, the herald of the discomfiture of such spurious speculation.

There are, I am sorry to say, in our country many *dexterous* barristers ; superior tools, however, to Mr. Austen, whose practise is to perplex and *mystify* (to use the phraseology of this MAN OF LAW) what they have not talent to submit to the test of reason and common sense ; from acquired habit, added to an innate propensity to annoy, such men will for half-a-guinea use the vilest acts of inflammation, when out of the reach of the horse-whip, to blacken the character of a man of the strictest honour and integrity. The mass of the people are often imposed upon by vehemence, which they mistake for talent, but which is generally nothing more nor less than a mere mark of extraordinary imbecility ; but an ass covered with gold is too often more respected than a horse with a pack saddle. But, alas ! when he opens his mouth, his braying betrays him. An uncalled-for and cruel attack made on character by a milk-sop demagogue, with a view to add pain to misrepresentation, must have a tendency to prevent justice, which real eloquence, ever energetic and affecting, will always endeavour to uphold ; the contrary, however, is the never-failing conduct of the *assailant of private character*.

Permit me, *Mister Austen*, to call to your serious attention the following opinions of the celebrated la Bruyere respecting advocates of a certain stamp. " The chief thing which makes an orator," says he " is probity ; without it, he degenerates into a mere *declaimer*, he *disguises* and exaggerates matter of fact—he is *false* in his *citations*—his mouth is full of *calumnies*,—he espouses not so much the cause as the *passion*, and the *animosity* of his client, and may be ranked among those advocates of whom the proverb says, that they are *hired* to be injurious."

Indeed the verdict of the Jury proves my assertions, long since published in the case of Mr. Jodrell, showing the absolute necessity of the Jury being partly composed of medical men. For how is it possible for them to give a satisfactory verdict in a case of insanity, in which, as in the *instance of Mr. Brand*, even the most eminent physicians so often disagree : and which is marked very particularly in Matthews's case already alluded to, in which two eminent physicians swore that he was perfectly sane, whilst more than double that number had sworn that he was at the same moment furiously mad, without lucid intervals, or a possibility of recovery ; which case I had ready to lay before the Jury, but was prevented by the Commissioners.

I submit, therefore, that, as Mr. Wakley of the " *Lancet*" has well said respecting the analogous place of Coroner, for which that gen-

tleman is eminently qualified, so that a jury in lunacy cases should be at least one-half medical men who have been accustomed to view the symptoms peculiar to maniacal patients; and that also, at least one medical man should form part of the Court of Commissioners.—For, in the eye of the law, “a lunatic is never to be looked upon as desperate, but always at least in a possibility of recovering. For there are persons who are insane upon particular points, who, if these points are not touched upon, act discreetly in their own affairs and even as trustees for others; still if commissions are issued against them it may be wise not to quash them, but give them the right of trying the facts by a traverse;”—which right the law has imperiously given, otherwise there would be no safety for the liberty of the subject, of whatever rank and station, throughout the land.

Now in reference to Mr. Austen's question respecting an action brought by me against an infamous slanderer, concerning my petition to Parliament, I must observe that, I was not at the time permitted to explain the reason of my having at first lost it, nor to show the Court and Jury that I had afterwards succeeded in obtaining a new trial, on the ground of misdirection of the Judge, and ultimately a verdict in my favour, in spite of Mr. Justice Best, who re-tried the cause, having resorted to his former misrepresentations. Now, in the name of all common sense, what had this affair to do with the subject before the Court?—As, however, Mr. Austen had the *absurdity* to introduce matter so extraneous to the question at issue, I shall take the present opportunity of laying before the public a few of the circumstances connected with that case.

Several years ago, I caused a petition* to be presented to the

* This Petition was founded on the following thirteen incontrovertible positions:—

I.—That the public good and best interests of society are the sole and paramount principle of the present application to parliament.

II.—That the public good and best interests of society, can only be carried into effect by those who exercise particular professions, being competent to the discharge of those duties imposed upon them for the benefit of individuals.

III.—That no person can be competent to the exercise of such duties, without a certain portion of human knowledge in the branch or department he professes.

IV.—That the certainty of his possessing such knowledge, can only be known by his passing the ordeal of examination, as enacted by the competent bodies or corporations appointed by legislative authority for the purpose.

V.—That all exclusive rights, or monopolies of knowledge by those bodies should be confined to this exclusive right of ascertaining the professional competence of individuals, who are to be allowed to exercise their professional talents for the good of society wherever educated.

VI.—That the proof of this competency should not be connected with any local right, but that any person having passed the ordeal of examination by the competent tribunal, whether in London, Edinburgh, Dublin, Paris, or Rome, should have an equal right to exercise his talents for the good of society, and thereby honourably gain a livelihood.

VII.—That it is clear from what occurs in Law, Divinity, and Physic, that a foundation or competent education by a course of study, is essentially neces-

House of Commons, showing amongst other things, the dangerous practices of quack doctors, and the serious consequences to individuals swallowing their nostrums, as well as patent or quack medicines, without their component parts being made known, humbly submitting. at the same time, the plan pursued by the government of France, for the suppression of this great national evil.

A notorious libeller, nevertheless, hired by a *nest* of QUACK DOCTORS, and whose name could not be obtained, having attacked the language of the Petition, an action was brought in the Court of Common Pleas against the publisher, and a verdict given in his favour, for what reason I shall now proceed to show.—Mr. Justice Best, who tried the cause, and who himself was never from under the hands of quack doctors, thought proper *uncalled* for not only to criticise the language of the Petition, but to impress on the minds of the Jury his own notions of the figures of speech in opposition to mine; though I challenged him on his bench to point out one improper expression in it although it had been put together in the short space of a few hours.

Mr. Justice Best, however, insinuated to the Jury, that it was actually improper for an individual to “lecture Parliament.” (these were his words) I regret, notwithstanding the necessity arising from

sary to exercise any of these different departments, and whoever exercises them without this education, cannot possibly do it with advantage to the community.

VIII.—That an unscientific knowledge of the treatment of any disease, even if occasionally successful in its object, can never be trusted to; for if any unforeseen circumstance should arise, such practitioner can neither avert the mischief, nor find means to relieve the patient as a man of real science would do;—mere experience, devoid of science, can have no claim on public notice, being nothing but empiricism; and, like a seaman, incapable of taking an observation when anything inauspicious occurs at sea, the practitioner who trusts to it is unable successfully to direct his course.

IX.—That empiricism in all professions being the opposite to science, and directed by no regular principle but the knowledge of one or two isolated facts, is evidently hostile to the advancement of liberal principles, and too often ruinous to those confiding in such hollow pretensions.

X.—Empiricism therefore in Religion, Law, Politics and Physic, is the hydra to be guarded against, as the bane of real knowledge and improvement, and wherever encouraged, such empiricism is always subversive of the best interests of mankind.

XI.—That the great object of legislation should be to impose a wholesome restraint on any attempt calculated to overstep the just and fair bounds, which the welfare of the people requires.

XII.—That the daily instances of mal-practice in Physic, and the thousands annually sacrificed at the shrine of ignorance and empiricism are incontrovertible reasons for the introduction of the present Bill to Parliament, in order to avert those evils so long the opprobrium of this country alone and unknown in the rest of Europe.

XIII. *and lastly*.—That the perusal of the present Bill will incontestably show that its principles are directed solely to the public good, and influenced neither by selfish nor sinister motives, but for the purpose of overturning the reign of empiricism, and substituting the gratuitous advice and treatment of men of real professional science in opposition to quacks and ignorant pretenders, who only ruin the health and fleece the pockets of the poor and afflicted, and frequently by the passport of empiricism send them prematurely to their graves.

Counsellor Austen's attack, of returning to a subject long since buried in oblivion. Nothing but a feeling for my own character would have induced me to obtrude this irrelevant matter on the public. yet I am forced to make a few observations for the purpose of exposing the injustice of those proceedings.

The Judge in that case thought proper to pervert my meaning in the words of my Petition to Parliament respecting poisons, and actually in his charge to the jury, made me say in that petition things that never entered my brain. Thus he draws conclusions which my words do not admit. I had said, "that many valuable lives would be saved, if my plan were to be adopted, without materially lessening the revenue produced by such poisonous means." By this statement of poisonous remedies, I alluded to the artificial composition of quack medicines, and not to the vegetable and mineral poisons as produced by the hand of nature. And although this in fact had nothing whatever to do with the cause at issue, yet the judge in his charge to the jury made a handle of it, and the only handle by which he could have biassed their minds, and actually took upon himself to tell them that from *his knowledge* of chemistry, (mark, reader, *Justice Best's knowledge of Chemistry*) my statement respecting vegetable poisons was evidently wrong. Now, in truth, and in fact, I never said a word of or concerning vegetable poisons, in my petition to Parliament. I only spoke of the unscientific and unchemical compositions, or rather farrago of articles huddled together without judgment in forming them. Yet the judge had the effrontery in his charge to the jury, to state that I did say so, although the petition was lying before him, in which not a sentence of the analyzing of such poisons was mentioned.

My words in the petition are—"the baneful effects, too, of patent medicines, as they are called, deserve particular notice, the composition of which is formed in such a manner as to render their administration at all times dangerous, and but too often fraught with death: whereas, on the continent no medicines (similar to those with us called patent) are permitted to be sold, without first having been analyzed by the established medical authorities, and duly examined by the respective faculties of medicine."

I merely stated this as a positive fact, to be the custom in France, and that no quack medicine was permitted to be sold there without its component parts being known. I neither said that vegetable or mineral poisons could or could not be analyzed.

I confess, however, that I feel proud of the compliment paid to my intentions in that petition by that independent Judge Mr. Justice Park, who with that *naïveté* that characterises an honourable mind, did not hesitate to say from the bench, that he saw nothing in it that was not "most sensible, that it contained a great deal of truth, and if the things there said were put into effect, it would be conferring a great benefit on his Majesty's subjects." His Lordship further observed, in that true spirit of British freedom that does no less honour to his head than his heart, "that every man in the king-

dom had a right to petition Parliament, so long as a decorum was observed."

Without entering into further detail than merely to state that it may be recollected, that in a publication on the Abuses of the Law, which we edited, we reported the trial of Mr. Justice Best, on the prosecution of Mrs. Minnifie, and exposed to public view the delinquency of many legal practitioners. We have further briefly to observe, that there are many persons of rank and title in this country who delight not only in swallowing patent medicines, but in upholding quack doctors; and are prouder to have their names at the front of a quack advertisement, than at the head of a subscription list for charitable purposes. Witness the feeling of those persons, (among others a popular political Baronet) who patronized a certain notorious quack, a conduct which ought to be considered in the highest degree disgraceful to them, as misleading others by their example. They are fashionable invalids, and repair daily to the quack *warehouse* to swallow every thing new which comes out, which they furnish with their attestation. By them and the arts of puffing, the medicine will have its day, till tired of it; or until some fatal accident happens to its votaries, as in the late *affair* of the Misses Cashin, Mrs. Lloyd, &c. the enthusiasts in its favour, find something else of superior virtue to glut their palled appetite for novelty.*

This occurrence brings to our recollection the dialogue between Mercury and the Ghost of a celebrated *quack doctor* on passing the Styx; which had Mr. * * * * joined the numerous patients whom he has sent down to those regions, we should have supposed to be pointed at him—we throw this out for the benefit of his ghost, and that of that part of the public by whom he is idolized:—for in truth *quackery* is the order of the day.

Mercury.—You speak with an air of importance, pray who are you?

Ghost.—One, Sir, who, though I never was here before, have sent thousands hither in my life.

Mercury.—What are you? A statesman who has delighted in war, or a General who has commanded armies?

* In confirmation of these opinions there can be nothing stronger than the fact that the *celebrated Quack*, calling himself St. JOHN LONG, has so gained upon the *weak-minded* part of the public, that the very day after he was found guilty at the Old Bailey, of the manslaughter of Miss Cashin, for which, by the bye, he was fined only a few pounds, the noble Marquis of Sligo's private carriage triumphantly bore him away from Newgate and thus once more was this dangerous quack let loose upon the public to employ his deadly nostrums at his Golgotha in Harley Street, and has actually within these few days sent to the grave another lady of the highest respectability, a Mrs. Lloyd. Messrs. George Vance, W. A. Campbell, Richard Frankum, and Thomas Chambers, Surgeons, have given their opinions that the effect of Long's practice was the cause of her death.

We have to record (observes the *Times*.) another verdict of manslaughter, of which a woman is again the victim, against Mr. St. John Long. Between the persevering cruelty of this man, and the unconquerable stupidity of those who submit themselves to his practice, we have but little to say. The Coroner's Jury, as in the case of Miss Cashin, have at least done their duty in subjecting the matter to

Ghost.—No, Sir, a *would-be* physician.—You must have heard of Doctor * * * *.

Mercury.—We hear of so many *Doctors*, we cannot remember names. *There is scarcely a ghost comes down but mentions some Doctor or other*; and not greatly to their credit, I assure you.

Ghost.—But, sir, few knew my *real* name until very lately, though I have had some thousands of patients,—my practice was for the *good of mankind*, in *secret*. I kept a book in which all my patients were enjoined to write their names. That book contains the names of some characters *eminent*, at least for their *rank* in society, if not for their *brains*!—Witness the Dukes of — Marchioness of O! Sirs — and — Ladies A, B, C, D, E, F, G, &c. &c. &c. &c.

Mercury.—Your servant, Mr. Doctor. What you are the stone-mason. But let me strike the names of your dupes out of the *bulky* volume and that *long account* of the *virtues* of your *nos-trums*, and then pass on.

Ghost.—What are you doing? the influence of those names brought me in £12,000 a year.—They composed my only stock in trade, with the exception however, of those few hard words which I had *strung together*.—You *strike out all my learning*: I am *nothing* without those *hard words*: I am ruined; I am undone. This was all I had to show I had ever been a physician!!!

“That man, a Doctor, is beneath an ass!

An ass! that heavy, stupid, lumpish beast,

The sport and mocking stock of all the rest!”

Leaving the quack's ghost—the counsellor's remarks—his *collaborateur* Spankie, and the case upon which he had built his rotten foundation, in the hands of an enlightened people, to whose judgment, as to the propriety of our castigation of the little counsellor, we cheerfully submit. *And now, Master Whackum, entre nous, pour le dernier coup de pinceau.*

If we felt inclined, *learned* sir, to be sarcastic, the very *view* of your *beardless* and *wheyey* countenance would give us ample scope for indulging in that vein. Your looking glass will tell you what none of your friends will, and in reality you are not very unlike in your braying (which you no doubt imagine to be roaring) the dull Scotsman, who defended the publisher of the anonymous attacks on our Petition to Parliament. *Par nobile fratrum*.* Suffer me to say that your ridiculous efforts at wit were drawn from the very dregs of the foulest imagination, and deserve more of pity than contempt:—and the miserable harangue, which was delivered by you by way of summing up, savoured more of the mountebank tricked out for his part, than the defence of “a potent, grave, and reverend signor.” Your Cimmerian ignorance, too, of the dead languages, was more than self evident, and your finding

* For the benefit of Mr. Austen, who has shown his utter, and indeed deplorable unconsciousness of any meaning attached to Latin phrases, we inform him that this sentence means “a well matched pair of professional brethren.”

fault with "*omnes homines insaniunt*," proves the truth of its application to *at least one individual*. The propensities of a low-bred lawyer to blacken the character of a gentleman have their effect only on ordinary minds; with a just and discriminating judge such means cannot fail to have a contrary result; and in proportion to the minds of mankind being enlightened, such a course must lose all its influence. We with *trembling modesty* presume to say, having heard it from many of your auditors, that your language is neither that of a Cicero nor a Demosthenes. And that, although less voluble than your *confrère* Spankie, your prodigality in invective is as remarkable as your sterility in argument, and paucity of expression. Your method, if method it can be called, of distorting facts, is truly pitiable. I answered Serjeant Spankie in the way I am answering you, and indeed the best *mirror* I can hold up to you is my answer to that *colossus of the Common Pleas*. Look on it Mr. Austen, and see yourself; it concludes as follows:—

"It may be seen that in his career of folly, he may justly plume himself on his perfect resemblance to the ass, in the Comedy of Gresset."

What a man is the counsellor! after these happy dispositions of which we have given a sample; is it not to be expected that a very *high* destiny, or a *sentimental voyage* awaits him. Ah! truly, what a rare *phenomenon* is this! *Thrice happy* Court of King's Bench, to boast of so superhuman a genius within thy walls!

We might add, what a precious disposition you already announce! What an honourable subject for the *bar*! what an *exalted* destiny awaits your active *INDUSTRIE*!

Voici donc, Monsieur Austen, the reply which you were so anxious to draw from me—it is much at your service, much good may it do you; and indeed I am satisfied it is by irony alone that I should reflect back upon you your supercilious sneers, and this weapon is sufficient for me to repel the unjust and unprovoked attack. But instead of "one cheer more," as my Lord Eldon would say, let me before we part, say one word more to you, in parodying a well-known author, which may be the means of soothing you in your retirement;—

"Je suis jeune, il est vrai, mais aux âmes *mal nées*
La folie n'attend pas le nombre des années."

"I am young, it is true, but to souls naturally base,
Folly does not await age."

And now, sir, I candidly tell you, that I have no doubt that these remarks will have the *happy effect* of *dragging* you from your *deserved obscurity*, to the *equally deserved exaltation* which we have prophesied awaits you. Mr. Austen, we shall perhaps meet again at Philippi.

"Which is the *lawyer*? let me see his eyes:
That when I meet another man like him,
I may note him."

MESSIEURS SERJEANT MEREWETHER, JODRELL, &c.

“ The lunatic, the lover, and the poet,
 Are of imagination, all compact :
 One sees more devils than vast hell can hold ;
 This is the madman. ————— ”

To prepare the reader for the following exposé we shall, in bidding a final *adieu* to our *friend*, Mr. Austen, take a review of Mr. Serjeant Merewether's notions of insanity, who figured in the case of Jodrell and others, in the same sanhedrim. In combatting the opinions and doctrines of that learned gentleman, we are only animated by a sense of public feeling, and whilst we give credit to the ingenuity of the barrister, he will pardon us for saying that we differ with him totally in principle, especially as far as it regards insanity.

The reader will find many cases of *innate insanity* strongly marked at the commencement of this work, which is usually termed mania ; there are cases, too, of *feigned* madness, which suit particular purposes.

Let us now see how these cases apply, by close examination of the picture ; and we shall commence by some that have lately appeared before the public ; those of Mr. JODRELL, of PORTLAND PLACE, Mrs. MARTIN, late of WESTMINSTER, and a Mr. BAKER, of * * * * *, Miss Scott, Mr. Bates, and others, against one of whom an action was lately tried before Mr. JUSTICE BEST, at the suit of one LEVY, a silversmith, deserve our most serious attention. And without stopping here to inquire whether or not a judge of the Common Pleas, sitting at Nisi Prius, was or was not legally authorized to imprison and hold to bail the plaintiff and his witnesses ; we will say, without the fear of contradiction, that though the defendant in the case was most certainly at times labouring under delusions, yet that he was liable to the laws of his country in a civil and criminal point of view, at his LUCID INTERVALS.—This, I contend, is the LAW of the LAND ; although Mr. SERJEANT MEREWETHER endeavoured with all his might, aided by the legal sophistry of his profession, to overturn it.—“ For the law held,” said he, “ that the moment any unfortunate person became bereft of his reason, he was discharged, not only from all responsibility for civil, but for criminal actions ; ” it being a maxim, he added, “ of law that *furiosus furore solum punitur ; It is madness to punish a madman**.” Were we tacitly to subscribe to this erroneous doctrine and mis-application of the learned Serjeant, what a wide field it would be opening for every sort of vice, felony, and fraud ;—for who would be so stupid as to suffer himself to be strangled, or even convicted of forgery, plundering his creditors, or any capital offence whatever, whilst he could easily *feign* madness, and at the expense of a few pounds find a *complaisant*

* We would be understood as not differing with the principle on which this maxim is founded, but we say that though a man be mad, he is liable to punishment, as in the cases of Lord Ferrars, and others, for crimes committed during his lucid intervals.

attorney and his satellites, who would *work* a commission of lunacy, and get a verdict in favour of his client without the slightest difficulty. I contend, therefore, that on the present plan of organization, a commission of lunacy may be had against the most sane man in the realm! What heir at law, then, we would ask, would be *assez bête* to remain during the protracted life of an aged parent, in want of the *ready*, when so *cheap* and so *sure* a means as a commission of lunacy is held out to him for obtaining it. This is certainly far superior to the Italian method of employing the *powder* of *succession*, for no danger accrues to the successor in cases of lunacy on the English plan,—nay, the heir is sanctioned by the opinion of a jury of twenty-three (though) uneducated beings, whose verdict is too often guided by *ex parte* evidence, concocted by an attorney, and a *thing* called a barrister!!! Who is the *ninny* in our great metropolis, it might be asked, that would not produce a witness to prove that his aged father, on some occasion or other, had said in joke or earnest (as in case) that he had seen “two moons”—nay, and that one of them was made of green cheese!!—aye, and if necessary, that he had said he saw fourteen stars, too!!! Oh! ye philosophers of little minds, it may well be said who can see and believe in but one moon, when madmen see and believe all the fixed stars to be suns, having other moons, or habitable worlds moving round them. Well indeed it may be argued in our days as a proof of madness in the prophet of olden times, who dared to state that the sun never stood still!—But the supposed lunatic, Jodrell, according to Counsellor Shadwell, observed that he had not only seen two moons, but that “he preferred a bed of down to a bed of planks,”—a new species of *madness* no doubt! And among other things, said Mr. Launcelot Shadwell, which proved his (Jodrell’s) insanity, were the following:—“He had large quantities of ornamental timber growing on his estate, and it appeared without the slightest reason for such conduct (how was Mr. Launcelot Shadwell to know the *lunatic’s* reason for cutting down his timber!) he had given orders for the whole of this timber to be felled.”—“And on another occasion, he refused to furnish a copy of a certain paper, though required to do so.”

“His habits, too,” said the *learned* Mr. Launcelot Shadwell, “were very different, from those of any other gentleman.”—And these eccentricities or habits in Richard Paul Jodrell must, as a matter of course, constitute madness! “He never used any soap to wash himself,” said Mr. Launcelot Shadwell, “although it has been said he was in the constant habit of using bear’s grease to make his hair grow; but would wet the corner of his handkerchief or napkin, in the slop basin at his breakfast table, and with it he would wash his hands, face, and feet.”—O! ye millions of mad and crazy on the Continent of Europe, who wash your hands in the glasses out of which you drink at the dinner table, and even spit out the water in your plates with which you rinse your mouths after dinner, and afterwards dry your hands in your napkins,—will ye

deny your fitness for a crib and chains, at Warburton's White House for such conduct in our times of refinement. And ye of the one-shirt club, who change your linen but once a fortnight, dare ye deny your insanity, for said Mr. Launcelot Shadwell, "he very seldom changed his linen, and sometimes he would wear two pair of drawers, besides a pair of inexpressibles! and it was with great difficulty he could be prevailed upon to take them off, although frequently solicited to do so, by the widow Mills, and his darling the oyster girl of the Old Bailey." "But," said Mr. Launcelot Shadwell, "he refused to have the chimnies swept in his house, and once they in consequence took fire."—Mr. Launcelot Shadwell, however, had forgotten to say, whether or not they all took fire at the same moment, or whether or not it might not have been in consequence of too much coals or wood having been put into the grates; or whether it were in reality the bricks and mortar, or the soot in the chimnies that had taken fire. "He refused," said Mr. Launcelot Shadwell, "to let the servant clean the rooms." Worse than heresy, very certainly, for a gentleman to refuse the servant to clean his room whilst he occupied it! We would ask Mr. Launcelot Shadwell if the *amiable* servant, could not have swept her master's house in his absence, without risking a refusal, he being generally out from morning to night. Again said Mr. Launcelot Shadwell, "he refused to pay the parish rates, because he said it was an imposition." And we, too, say it is next to madness to deprive the *honest collector* of parish-rates, or the other good things of this land to be found at the parish dinners, which would fall short if we were all as mad as Mr. Jodrell is said to be on this subject. "But," said Mr. Launcelot Shadwell, "if any thing were wanting to complete the catalogue, he declared he did not know Mr. Slaney, having no acquaintance with him." Madness indeed not to know Master Slaney, the attorney of Furnival's Inn? more than madness. "Again—one Sunday, on returning from church, he said he left it as soon as the man had entered the pulpit, who spoke nothing but nonsense!!" Oh! *manes* of what sayest thou? Is a man to be set down as mad, who dares to utter a doubt, or think that Divines can say or do anything to give displeasure. "In fact," said Mr. Shadwell, "he heeded not any advice that was given him, but took his pleasure amongst the fairest damsels of the land, and the wives and daughters of men, and spent much treasure in those pursuits."

"Now it came to pass," said Mr. Launcelot Shadwell, "that he met with the widow Mills, a lady possessing considerable personal charms; her eyes were of a jet black, and more brilliant than the diamond; her skin surpassed in whiteness the lily of the valley, her cheeks resembled the rose of summer—her lips were like rubies, and her teeth exceeded the whiteness of ivory; her breasts bore the ripeness of autumn, and desired to be pressed, while her locks hung in ringlets like the thread of the vine—her voice was music, and her countenance comely as the face of the morn.—And when the good

Samaritan of Portland Place looked on her, the God of Love sported in her eyes. He therefore squeezed her hand, and he longed to be enfolded within her arms.

But she refused him not when he asked, and they sojourned together from that time, and even tabernacled in sundry places near Portland Place: nor was he ashamed of with her openly before his son the Baronet, and his daughter-in law, Lady Mary. "And behold," said Mr. Launcelot Shadwell, "it came to pass after a little while, that the old gentleman furnished her a tabernacle like Solomon's Temple, in Carmarthen-street, where he was in the constant habit of holding dalliance with her: there Richard Paul the elder begat Richard Paul the younger, and he found it was good.—And behold he sent Richard Paul, the widow's son, to Eton, to learn Greek, and he found it was good, though he afterwards sorely repented of his folly, and refused to pay the *Greeks* at Eton, for their trouble." "And it came to pass," said Mr. Launcelot Shadwell, "that when the fair widow came to Portland Place, and was too pressing for money to pay for the Etonian, he would order a constable to be sent for to turn her out of his tabernacle; whereupon the widow on one occasion, not having the *fear of God before her eyes*, required money enough to equip her and her son the young Paul for India." "And behold," said Mr. Launcelot Shadwell, "it further appeared that another of these ungodly cyprians, named Ellen Baker, also visited him at the tabernacle in Portland Place, whose visage was round like the full moon, and whose cheeks were of the colour of the rose.—Her well-turned ancleviewed with that of the Venus de Medicis in the great *Gallerie* of the *Tuileries*—and she got her living by selling oysters; yet it came to pass that Mr. Jodrell not only entertained her as the high priestess of his tabernacle, but visited her at her sojourn in a court in the Old Bailey." "And behold, also he has been known," said Mr. Launcelot Shadwell "to take money with him to her *rookery* in the court, but seldom returned with it!" And behold all things have but a time, the *love of woman turns to hatred, and that of man endureth not for ever*; therefore, happy are those who expect nothing, for they shall not be disappointed. "Moreover," said Mr. Launcelot Shadwell, "it came to pass that he made complaint to the elders of the great *Sanhedrim* at Mary-le-bone-street, that his tabernacle in Portland Place was constantly *assailed* by the widow Mills: whereupon the widow was captured by the Philistines of the *bureau*, and led triumphantly before the triumvirates. She answered the positive and the doubtful without hesitation. Her attire on the occasion was a mantle carelessly thrown over her shoulders, with a veil thrown back, that her face might by chance captivate some of her judges. The young Richard Paul, her son, was present with her at the assembly, and she proved that the Eton scholar was Richard Paul's own son, and convinced all present that she had been the old gentleman's darling: notwithstanding the oyster girl of the old Bailey,

and many others who also claimed his affections.”—“ And she found her judges,” said Mr. Launcelot Shadwell “ affected with her eloquence—and she further related the story of the birth of the Eton Scholar.” “ And it came to pass,” said Mr. Launcelot Shadwell, “ that when he would have left her and his child, she charged him with *niggardliness*; so he set out on a pilgrimage to his concubine, the oyster girl at the Old Bailey, who gave him absolution.”—So verily,” said he “ I am not guilty concerning this ungrateful woman, for whom I have done so much.”—Now, he sorrowed no more after the widow, but left her to hang up her harp among the willows as he did unto others, at the same time shutting up their rookeries.

And behold, after all those things had happened, it came to pass that the Baronet, his eldest son, with the assistance of Mr. Slaney, the man of law whom Mr. Jodrell thrice denied, like Peter, saying, “ I know not the man,” took out a Commission of Lunacy against him thereon, by which means he might bid defiance to any of his “ And,” said Mr. Launcelot Shadwell, “ the Jury will have less reluctance in finding a verdict of lunacy against him (Mr. Jodrell) because it will place him in a BETTER situation, contribute more to his COMFORT, and to the WELFARE and happiness of his family!!!

Oh! how glorious and ever delightful must madness be after this agreeable picture of Mr. Launcelot Shadwell!!!

Nevertheless, it came to pass that among many others one Browne, a carpenter, of Westminster, notwithstanding the Commission, brought his action in the Court of King’s Bench for work done and performed by him, the said Browne, when the chief of the *Sanhedrim* gave a verdict for the plaintiff, it being proved to the satisfaction of the Court, that the said Mr. Jodrell had never been at all insane!

We spare the reader the further details of these *Lunacy jobs*.—This case alone will be sufficient to give him an idea of all the rest; and we frankly acknowledge, that the whole of Mr. Jodrell’s case has afforded us so much amusement as to disqualify us from treating the matter with that gravity a case of real insanity deserves. We are very far, however, from being of opinion, that even *feigned* madness should be treated lightly; and to convince our readers of our indignation of the jobbing system in lunacy cases, was the primary motive which has actuated us in our ludicrous description. And indeed, we confess too, that we were still more powerfully impelled by the case of Mr. Brand, of which we trust we have in these sheets traced an impartial outline sufficient to lead the reader to a satisfactory conclusion in favour of the sanity of that unfortunate gentleman. Having done so, we still owe to public justice a rehearsal of the frightful enormities practised in mad-houses: and by mad-doctors, many of which have fallen under our own observation, since the time of our publication of the case of

Anne Daentry in our journal, "THE APOLLO, OR MEDICAL CENSOR,"* to the present period. We had then the satisfaction which we feel to this hour, of rescuing a sane fellow creature from the dungeon of a mad-house, and ultimately causing her persecutors to be indicted for and found guilty of a conspiracy, a numerous acquaintance having come forward on the occasion, and proved that the poor woman had never laboured under any malady of the kind.

In maintaining, however, that Ann Daentry, or any other person is of *sound mind*, we, once for all, beg that it may be distinctly understood that, on this subject our opinions are, that slight aberrations of mind, though *in some degree* bordering on insanity, yet do not always disqualify the patient from taking care of himself and his property, since every person *is born* with a *portion* of *madness* in his *composition*, which *manifests* itself more or less according to *times* and *circumstances*. The *germ* of *folly*, as well as that of *tyranny* and *crime*, so natural to the *heart of man*, *originates* at the *moment* of the animal's existence in its mother's womb, and during the *whole* course of *life* it is in *continual danger* of that mania to which we give the name of INNATE INSANITY, belonging to its nature developing itself.

The cases of Miss Scott and Mr. Baker, too, which follow, are further proof, were any necessary, of my views of the insufficiency of commissions (DE LUNATICO INQUIRENDO) as at present constituted for the investigation of Lunacy cases, it would be found in the following proceedings which have occurred within the last few days.

COMMISSION DE LUNATICO INQUIRENDO.

On the 24th September a jury was summoned before Mr. PHILLIMORE and other COMMISSIONERS at the Gray's-inn Coffee-house, to inquire whether Miss Elizabeth Scott, a lady who resides in Bryanstone Square, was of unsound mind, from the 3rd of February, 1828.

The Chief Commissioner stated, that the mother of the lady who was the object of the inquiry, was in the house; but she had already made affidavits of the state of her daughter's mind in the Court of Chancery, and the jury would probably not consider it necessary to put the old lady *to the pain* of *giving evidence*.

Charlotte Fido deposed that she had lived two years and six months as attendant upon Miss Scott, who appeared to be 30 years of age. Saw her every day, and perceived that she was helpless in every thing. She would not do any thing for herself, and had not spoken more than twice within the last twelve months !!!

One of the jury.—Was there any regular medical attendant upon her?

* See "Apollo" for 1815.

Witness.—No ;—but Sir G. Tuthill occasionally visited her.

Mary Bierton, housemaid to Mrs. Scott, had also had frequent opportunities of seeing Miss Scott, and always treated her as a child,—had heard her speak, but never rationally; she would sit wherever she was placed until she was removed; some months ago she refused to take any food for between a week and a fortnight.

Miss Henrietta Ann Scott, a relation of the family, had lived with Mrs. Scott since her childhood.—Miss Scott had had a serious illness in the year, 1825 (erysipelas) and was not expected to recover. She had a peculiarity about her after that; but for the last three years she was decidedly insane. She was sometimes abusive, but always without cause, for she was treated with the utmost tenderness. She never seemed to notice anything about her. Books and newspapers were often placed before her, but she never noticed them. Her mother tried to *induce* her to *sign some papers*, but *she would not*; and on one occasion she threw the papers into the fire.

Sir George Tuthill said that he had visited Miss Scott several times since April, 1828, and he considered her from the time he first saw her of unsound mind, and wholly incapable of managing her property. She would not speak. Once or twice he got an answer from her. She was an Indian, and he asked her whether she wished to go to India, and she said “Yes.” He attributed her perpetual silence to unsoundness of mind. On the 2nd of January he was sent for in consequence of her refusal to take food. She would not speak a word, but sat picking her face; she sat in the same position hours together, and in such a position as must have been painful, for her body was bent forwards toward the knees, and her head stooped down.

One of the jury.—Is it usual for persons of unsound mind to be obstinately mute?—Dr. Tuthill.—It is not uncommon.

The lady was then conducted into the room, and the commissioners asked her a few questions in the most respectful manner, but not a word would she utter. She looked at any of those who spoke to her for a moment, but took no further notice of them. The jury returned a verdict of unsound mind, from the 3rd of February, 1828.

In the very first instance we find the Chief Commissioner declaring to the jury that he did not *see the necessity* of the *principal witness* for the *Commission* being *examined* in the presence of the Court and jury, because forsooth, *she* (the principal witness) had already *made an affidavit* in the *Court of Chancery*, where of course no cross-examination could have taken place.—

“ For though an oath obliges not,
Where any thing is to be got,
(As thou hast prov'd) yet 'tis profane,
And sinful, when men swear in vain.”

We see the young lady, too, placed before the multitude, without

cither a lawyer or a medical man to interfere for her. She was left to the *merciful* testimony of Sir G. Tuthill,—*toujours prêt*,—who visited her a few times, no other medical man being called in, and of three or four female menials, who were of course not only under the controul of the prosecutrix of the Commission, but totally ignorant of the symptoms of insanity; and the conclusion to which they all arrived from these *meagre premises* was that the lady was *guilty of silence*—which with the *softer* sex has hitherto (until this sapient and *gallant* decision has *ruled* it otherwise) been deemed a *cardinal virtue*. The doctor *swears* that it is not *uncommon* for persons of unsound mind to be *obstinately mute*, and assigns as another symptom of madness—her reply in the affirmative to his question respecting her desire of returning to India, her native country. The worthy Commissioners having put some questions to the accused, she, after *eying* them with an expressive survey, treated them with the same silent contempt as that with which she treated all her tormentors.

We beg to observe that we do not question the insanity of this lady, but we quarrel with the plan; and we repeat here that which we have elsewhere repeated a thousand times, that all persons placed in such a situation should have counsel, attorney, and a medical adviser assigned to them. Otherwise the Court would, in the eyes of some persons, be considered no better than the Star Chamber. But the public is indebted to Miss Henrietta Anne Scott, a relation of the family, “who since her childhood lived with the prosecutrix,” for the *eclaircissement* which she had,, no doubt, given in this case. The mother of the alleged lunatic had tried to *induce* her to sign *some paper* relative to her property—which she *refused to do*; and on one occasion threw them unsigned into the fire. Ought not this circumstance to have been inquired into before the commissioners and jury; which, had the lady had counsel, would have been done; and perhaps good cause might have been shewn for her *refusal*.

The following lunaey scene is manifestly illustrative of our views, and was lately represented at Worship Street.

The Report is as follows:—Monday, September the 6th. An important inquiry took place relative to the forcible detention of a person, alleged to be perfectly sane, in the Lunatic Asylum of Dr. Burrows. The doctor having been summoned, two persons attended on his part, and a third gentleman, who appeared to be an attorney and vestry-clerk in the parish of Woodnesborough, near Sandwich, in Kent, attended on the part of the overseers of that parish, at whose instance the man was confined as a pauper lunatic. The complaint was preferred by a decent-looking mechanic, named Richard Baker, a resident of Margate. It appeared from the complainant's statement, that about five years ago his brother became chargeable to the parish of Woodnesborough, and was received into the poor-house; but for the last two years he had been confined in

the mad-house of Dr. Burrowes, at Hoxton. A short time since the complainant, being assured that his brother was perfectly sane, came up to town and visited him. He complained then of being shut up as a lunatic, and very earnestly desired to be set at liberty. His conversation and demeanour were perfectly rational, and he asked about his family and other matters. Complainant, in the full persuasion that his brother was sane, applied to Mr. Fox and Mr. Austin, two eminent physicians, who visited his brother last June, and pronounced him sane. The certificates of the two physicians, pronouncing, in very positive terms, the sanity of the man, were handed to the magistrate, who read them.

The witness added, that he showed the certificates to Dr. Burrowes's people; but they refused to liberate the man without an order from the parish officers, although he told them he would not again become chargeable, and undertook to pay his expenses home. He never had reason to believe his brother insane. The parish officers were applied to, but they refused to send the required order. In defence, it was contended that Dr. Burrowes had no right to discharge the man until authorised by the parish. Mr. Broughton said that Dr. Burrowes was liable to an action for detaining him a moment longer. The magistrate added "there is a certificate of his sanity, and I recommend that he be instantly discharged."

In this case it is clear that once *grasped* in the *fangs* of a MAD-DOCTOR, the sufferer has but little prospect of deliverance. It will be recollected, that very lately one of these mad-doctors gave a certificate to *incarcerate* a gentleman *perfectly sane*; and we might say of MAD-DOCTORS,—especially when *abetted* by *certain Temple Lawyers*—that an individual, however sane, endeavouring to escape from their clutches, resembles the *robin pleading for release* under the *claws* of the *vulture*.

Impressed with these sentiments, we therefore implore the reader's deliberate attention to the horrors mentioned in the following extracts, respecting MAD-DOCTORS and MAD-HOUSES, unequalled in countries which we *unjustly* call *savage*; these frightful horrors have been found in Britain, so *proud* of her *Christianity* and her Institutions!!!

" Oh, 'tis excellent
To have a giant's strength, but 'tis tyrannous,
To use it like a giant."

“Minutes of Evidence taken before the Select Committee appointed to consider of provisions being made for the better regulation of Mad-houses in England.”

(Extracts.)

YORK ASYLUM.

Lunæ, 1 die Maii, 1815.

THE RIGHT HONOURABLE GEORGE ROSE IN THE CHAIR.

Godfrey Higgins, Esq., called in and examined.—Is a governor of the York Asylum, and a magistrate of the West Riding of Yorkshire. Having suspicions of improper conduct of the officers of that Asylum he went early in the morning determined to examine every part of it. “After ordering a great number of doors to be opened, I came” says he, “to one, which was in a retired situation in the kitchen apartments, and which was almost hid by the opening of a door in the passage; I ordered this door to be opened, the keepers hesitated, and said the apartment belonged to the women, and that they had not the key, I ordered them to get the key, but it was said to be mislaid, and not to be found at the moment. Upon this I grew angry, and told them I insisted upon its being found; and that, if they would not find it, I could find a key at the kitchen fire-side, namely, the poker, upon that the key was immediately brought. When the door was opened I went into the passage, and I found four cells, I think of about eight feet square, in a very horrid and filthy situation; the straw appeared to be almost saturated with urine and excrement; there was some bedding laid upon the straw in one cell, in the others only loose straw. A keeper was in the passage doing something, but what I do not know. The walls were daubed with excrement; the air-holes, of which there was one in each cell, were partly filled with it. In one cell there were two pewter chamber-pots, loose. I asked the keeper if these cells were inhabited by the patients, and was told they were at night. I then desired him to take me up-stairs, and show me the place of the women who came out of those cells that morning; I then went up-stairs, and he showed me into a room, which I caused him to measure, and the size of which, he told me was twelve feet by seven feet ten inches, and in which there were thirteen women, who, he told me, had all come out of those cells that morning. I became very sick, and I could not remain longer in the room;—I vomited.

Before I saw these cells I had been repeatedly told by Atkinson, the apothecary, and the keepers, that I had seen every part of the house that was occupied by patients.

Witness, in answer to further questions.—Backhouse, a keeper, got Elizabeth West, a female pauper, with child. Several others

were got with child by these ruffians, a piece of plate was nevertheless voted to Bates by the governors. The physician, Hunter, was well acquainted with the infamy of Backhouse—Backhouse now keeps a private mad-house in York. Dorothy Exelby was also in the family-way by one of the keepers. Saw on the back of one Vickers black marks, from being unmercifully flogged by the whip lashes. Knew the Rev. Mr. Shorey, a clergyman reduced to indigence ; he had at times and for considerable periods, intervals of reason, in those intervals, when perfectly capable of understanding every thing that was done to him, he was repeatedly, in the presence of his wife, exposed to personal indignity ; and on one occasion inhumanly kicked down stairs by the keepers and told that he was looked upon as no better than a dog ; his person swarmed with vermin, and to complete this poor man's misery, the keepers insulted his wife with indecent ribaldry, in order to deter her from visiting him in his unfortunate situation,—was robbed of his gold watch, which his wife was never enabled to recover.

Knew Mr. Thirkell had been *killed* in the Asylum, but entered on the books as "*died*." A person by the name of Bardwell was also *killed* a short time afterwards, he also was marked on the books "*died*." It had also been stated that only nineteen had been buried, when in fact twenty-four had really died in that year—144 deaths had actually been concealed in one year, found iron chains in the cells, also a Shakspeare's *gyve* ; that is, a strong iron bar about two feet long, with a shackle at each end, intended to keep open the legs of a patient ; it is fastened to an iron belt, which goes round the body of the patient, and has two chains to it and hand-cuffs for the hands of the patient, weighing twenty-four pounds. Mr. Handsome, who had been a patient in the house told witness that the mode the keepers employed to extort money from the unfortunate patients, was to shut him up in a dark cell naked, sometimes with another patient and sometimes by himself, for a week at a time or more, that he was obliged to obey the calls of nature in a corner of the cell, that the straw was not changed for a considerable number of days, and was only removed by paying 5s. to the keeper ; the physician and apothecary also took fees, the former received of Mr. Mandell, of Doncaster, five guineas ; the latter received two guineas of the relation of a patient. Atkinson was discharged ; he has, however, set up a private mad-house of his own, at York. Knew that a patient, in the last stage of decay, was kept standing on a wet stone floor,—he was a mere skeleton, his thighs were nearly covered with excrement in a dry state, and those parts which were not so appeared excoriated, as did some parts of his waist. The keeper being called upon to explain, said that he was killing pigs, and therefore could not attend to him. The physician extorted a shilling a week from the pauper patients ; and a Mr. Wilson, who paid £109 4s. per annum, was only given credit for £36 8s., the benevolent physician pocketing the rest. The

physicians amassed, in a short time, £20,000, which they applied to their own use, without any authority.

Witness, in answer to another question from Mr. Rose.—Knew another lunatic house at Spinkwell, near Bradford, where he found the lunatic paupers in a most deplorable situation; one of them was chained to a stone floor, wallowing in his own excrement and filth—another of them bolted fast into a chair, from which he could not move—three patients were chained in one bed—two were lying lengthways, and one across the other two.

Bryan Cooke, Esq. called in and examined.—Is a magistrate of the West Riding of York—visited the lunatic asylum, at York, with Mr. Higgins—the whole of Mr. Higgins's evidence is perfectly correct. I, together with the governor and Colonel John Cooke, went into a day-room; there were about twelve men patients in it. Upon opening the door my senses were so offended that I could hardly proceed from the stench. I retreated into the passage, and was very near vomiting.—Colonel John Cooke, who was with me, stayed about two minutes longer in the day-room, and he assured me that he felt the nausea the whole day afterwards.

Dr. Charles Best, of York, examined.—Witness acknowledged to have seen 13 women confined together in a very small room up stairs, at the York Asylum.

Martis, 2 die Maii.

Mr. Edward Wakefield, of Pall Mall, examined—Is a land-agent, visited Bethelam, accompanied by Charles C. Western, Esq. M.P. for Essex—and four other gentlemen. The women's gallery on one of the side rooms contained about 10 patients, each chained by one arm or leg to the wall; the chain allowing them merely to stand up by the bench or form fixed to the wall, or to sit down on it. The nakedness of each patient was covered by a blanket-gown only, with nothing to fasten it in front—this constitutes the whole covering,—even the feet were naked. One female thus chained was an object remarkably striking—she had been a *governess*.—Can hardly imagine a human being in a more degraded and brutalising situation—her conversation was coherent,—and she appeared sensible of the mental and bodily condition of those wretched beings who, equally without clothing, were closely chained to the same wall with herself. Unaware of the necessities of nature, some of them, though they had life, appeared totally inanimate and unconscious of existence.—It was injudicious and improper to chain this lady with the others. Many of these unfortunate women were locked up in their cells naked, and chained on straw with only one blanket for their covering.

In the men's wing in the side-room, six patients were chained

close to the wall, five hand-cuffed, and one locked to the wall by the right arm as well as the right leg—all were naked, except a small rug over their shoulders.—One had lucid intervals when we saw him—their mode of confinement gave this room the complete appearance of a dog-kennel. Whilst looking at some of the bed-lying patients, a man arose naked from his bed, and had deliberately and quietly walked a few paces from his cell door, along the gallery; he was instantly seized by the keepers, thrown into his bed, and leg-locked, without inquiry or observation: chains are universally substituted for the strait-waistcoat. In the men's wing were about 75 or 76 patients, with two keepers and an assistant, and about the same number of patients on the women's side; the patients were in no way distinguished from each other as to disease, than as those who were not walking about or chained in the side rooms, were lying stark naked upon straw on their bedsteads, each in a separate cell, with a single blanket or rug, in which the patient usually lay huddled up, as if impatient of cold, and generally chained to the bed-place in the shape of a trough; about one-fifth were in this state, or chained in the side-rooms. It appeared that the wet patients, and all who were inclined to lie a-bed, were allowed to do so, from being less troublesome in that state than when up and dressed. The end window towards Fore-street was the chief source of entertainment to the patients: they seemed greatly to enjoy the sight of the people walking, and to derive great pleasure from our visit. In one of the cells on the lower gallery we saw William Norris; he stated himself to be 55 years of age, and that he had been confined about 14 years; that in consequence of attempting to defend himself from what he conceived the improper treatment of his keeper, he was fastened by a long chain, which passing through a partition, enabled the keeper by going into the next cell, to draw him close to the wall at pleasure; that, to prevent this, Norris muffled the chain with straw, so as to hinder its passing through the wall; that he afterwards was confined in the manner we saw him, namely,—a stout iron ring was rivetted round his neck, from which a short chain passed to a ring made to slide upwards or downwards on an upright massive iron-bar, more than six feet high, inserted into the wall. Round his body a strong iron bar, about two inches wide, was rivetted; on each side the bar was a circular projection, which being fashioned to and inclosing each of his arms, pinioned them close to his sides. This waist-bar was secured by two similar bars, which, passing over his shoulders, were rivetted to the waist-bar both before and behind.—The iron ring round his neck was connected to the bars on his shoulders by a double link. From each of these bars another short chain passed to the ring on the upright iron bar. We were informed he was enabled to raise himself so as to stand against the wall on the pillow of his bed in the trough bed on which he lay; but it is impossible for him to advance from the wall in which the iron bar is soldered, on account of the shortness of his chains, which

were only twelve inches long. It was, I conceive, equally out of his power to repose in any other position than on his back, the projections which on each side of the waist-bar inclosed his arms rendering it impossible for him to lie on his side, even if the length of the chains from his neck and shoulders would permit it. His right leg was chained to the trough, in which he had remained thus engaged and chained more than *twelve* years. To prove the unnecessary restraint inflicted on this unfortunate man, he informed us that he had for some years been able to withdraw his arms from the manacles which encompassed them. He then withdrew one of them, and observing an expression of surprise, he said, that when his arms were withdrawn, he was compelled to rest them on the edges of the circular projections, which was more painful than keeping them within. His position, we were informed, was mostly lying down, and that, as it was inconvenient to raise himself and stand upright, he very seldom did so; that he read a great many books of all kinds, history, lives, or any thing that the keepers could get him; the newspaper every day, and conversed with perfect coherence on the passing topics and events of the war, in which he felt particular interest. On each day that we saw him he discoursed coolly, and gave rational and deliberate answers to the different questions put to him. The whole of this statement relative to William Norris was confirmed by the keepers. On Wednesday, the 7th of June, when we again visited Bethlehem, we discovered that all the male patients who were then naked and chained to their beds in their cells were in that situation by way of punishment for misbehaviour, and not from disease. In consequence of the discovery made by the gentlemen who went with me, and myself, of the situation of William Norris, and of a drawing which we procured to be made of him in his irons, he was visited by the following gentlemen:—George Holme Sumner, Esq. M.P.; Lord Robert Seymour, M.P.; William Smith, Esq. M.P.; the Honourable Henry Grey Bennet, M.P.; R. J. Lambton, Esq. M.P.; Thomas Thompson, Esq. M.P.; and other members of the House of Commons; and I have now to state that, at this last visit, I observed that the whole of the irons had been removed from Norris's body, and that the length of chain from his neck, which was only twelve inches, had been doubled.

[The witness delivered in the drawing of William Norris, referred to in his answer.]

Norris died in consequence of this treatment, and his body was dissected by Mr. Lawrence of Bartholomew Hospital.—Witness knew J. Matthews at Fox's mad-house; he also knew him at Bethlehem Hospital.—Mr. Haslam said to Mr. Matthews "you dispute our authority," (with an oath) "Sir we will soon let you know what our authority is," and the next day he was leg-locked,

and afterwards kept for eight years in chains, although Drs. Clutterbuck and Birkbeck swore that he was perfectly sane.

Lunæ 8 die Maii.

Mr. Lawrence called in and examined.—Is assistant surgeon to Bartholomew's hospital—Mr. Matthews was a very quiet and tractable person, perfectly so all the time when I have seen him—very gentle and quiet in his demeanour—understood from Mr. Crowther that the bowels of a patient had burst in consequence of the accumulation of its contents for want of medicines.

George Wallat examined.—Is steward at Bethlehem Hospital, Dr. Monro is the only physician,—he goes round the house only once in three months,—there are two male and two female keepers, and 125 patients—the windows are but partially glazed. The patients are bled, vomited, and purged all at the same time—Mr. Matthews was quite peaceable and tractable—he spoke of the man who had an iron collar round his neck, and a chain to it, which chain was passed through the wall into an adjoining cell. He spoke generally of the neglect of the medical officers, and that medicine was not given them in the way it ought to be. Norris, he said, was unnecessarily kept in irons—the convalescents take pleasure in looking out of the windows—patients when clothed like other persons are more gay and cheerful.

9 die Maii.

George Langstaff examined.—Is a surgeon, recollects that the intestines of the patient already alluded to was so charged with the fæces that it was near bursting; and that the distention was so great, inflammation and mortification was the consequence; and the fæces partly had got into the cavity of the abdomen—thinks the patient's life was lost in consequence of the retention of the fæces.

Mercurii 10 die Maii.

Elizabeth Forbes, matron, examined.—She released some of those female patients who were chained to the walls; found them quiet and peaceable. Mr. Haslam remains about an hour a day—but he does not remain in the hospital at night, so that patients are without medical advice, if any thing should happen in the night.

Mr. John Haslam examined.—Is apothecary at Bethlehem hospital—thinks manacles preferable to a strait-waistcoat—the latter, if not changed, is liable to absorb a great deal of perspiration; the skin therefore becomes excoriated, he cannot wipe his nose, and he becomes a driveller in consequence; he cannot assist himself in the evacuation of his urine or his fæces, or possess personal cleanliness as long as the strait-waistcoat is applied, as the nails are pinched up and often resemble the claw of an animal.—Recollects Norris having been confined in an iron cage—admits that he was himself one of

the contrivers of it—Norris was nine years in his irons, Dr. Monro was frequently in the habit of seeing him in that condition.—Mr. Matthews, after being removed to a more commodious apartment, showed not the least symptoms of violence.

· *Veneris 19^o die Maii.*

Dr. Thomas Monro examined—Is physician to Bedlam—the treatment to cure insanity is bleeding, purging, and vomiting—visits thrice a week,—the bleeding takes place twice a year, in May and June, in both males and females.—Haslam said that vomiting was unfavorable—I vomit my patients freely—after bleeding they take vomits once a week, for a certain number of weeks after that we purge the patients.—I do not know of any better practice—thinks chains and fetters as a mode of restraint only fit for pauper lunatics, if a gentleman was put into irons he would not like it, (unheard of inhumanity!) a strait-waiscoat is much better than irons—thinks irritation retards the convalescence of the patient—rigorous confinement has the same effect. Recollects a patient by the name of Fowler, who died after coming out of the cold-bath—does not recollect any case in which periodical bleeding, purging, vomiting, and bathing, have proved injurious to the general health of the patients.

John Haslam, recalled.—A male keeper has been confined solely to the women—Mr. Crowther was surgeon to the hospital ten years, who was himself generally insane—he had had a strait-waistcoat on, and was mostly drunk—during that time he was nevertheless continued as surgeon to the hospital, and attended the patients to the day of his death.—(O! merciful God! and this too in this boasted land!)—Witness receives £335 a year (for the *important* services he renders to the hospital,) besides a fee for the examination at the transport office—the keepers were constantly drunk, and their wages were from £40 to £45 a year, with food and lodging. .

Veneris, 2^o Junii.

The Hon. Henry Gray Bennet, a member of the Committee, examined—Visited Bethlehem some years ago, and was then very much struck with the condition in which the patients were—the greatest coercion was in general use, numbers were chained to the wall, fastened to benches and tables, and many of the patients were almost in a state of nudity,—there were many unfortunate female patients chained to the wall in a small room, some of whom had been so chained for many years;—the smell and dirt in the room were in the highest degree offensive. A Miss Stone, a lady of great accomplishments, was also chained to the wall, though it did not appear that she had ever been a furious maniac.—Witness stated that he saw Norris, who had been so many years in that

frightful iron apparatus, already described, too heavy for any human being to bear, and altogether unwarranted.

Wm. Smith, Esq. a member of the Committee, examined—Fully confirms the testimony of the last witness.

C. C. Western, Esq. a member of the Committee, examined—Fully corroborates the testimony of the two latter witnesses.

Richard Clark, Esq. Chamberlain of London, examined—Is Treasurer of Bethlehem—this man's heart, which the accustomed sight of maniacal patients made hard—shed not a tear on the horrors practised upon poor Norris, who under his eye, as treasurer, had been 14 years in irons of enormous weight, hand-cuffed, and leg-locked; and yet this treasurer, at the expense of those unfortunate wretches, and hundreds of others nearly as badly situated as Norris, dined, drank his champagne, and slept.—O! Almighty, is paradise intended for such men?

Thos. Dunstan, examined—Is master of St. Luke's Hospital.—Thought Norris was improperly confined in Bedlam by immense irons round his neck and body—was not permitted to examine him—he had 32 years' experience in insanity—there was no necessity for putting the irons on Norris.

Dr. Sutherland examined—Thinks the strait-waistcoat very heating to patients, it might induce bodily indisposition, and great debility—thinks hand-cuffs superior to the strait-waistcoat—(The reader will see the *consistency!* of this person, by reference to Mr. Brand's case) unnecessary confinement and coercion would interfere with the cure. He has two private mad-houses, one at Fisher House, Islington, containing 16 patients, and 30 at Blackland's, in the King's Road.

Dr. John Weir, examined—Is inspector of Naval Hospitals; found at Miles's mad-house, at Hoxton, 19 commissioned officers, and 371 seamen.—The cribs of the latter are only 5 feet 10 inches in length, and 1 foot 11 inches in breadth—two patients slept together—Miles's superintendant refused witness admittance to perform his duty.—Believes there is some understanding between Miles and Haslam, who attends there.

Dr. James Veitch, called and examined—Is a staff surgeon in the Navy.—Thinks the accommodation afforded to the maniacal officers and seamen at Miles's mad-house, Hoxton, exceedingly bad, very ill calculated to give that bodily and mental relief which is so essentially necessary for the comfort and recovery of insane people—to lie in the same bed—the smells were offensive,—hand-cuffs were in use—and men were chained down to the benches.

Sir Jonathan Miles, examined—Admits having nearly 500 patients in his mad-house. Men and women promiscuously herding together; and that being without clothes, many of them went of both sexes, about the yard *stark* naked, and others with only a bit of blanket upon them, and many of them, 336 in number, being sailors

he applied to Dr. Weir, whom he could not prevail on to interfere. That these Government patients never received either medical treatment or any attendance whatever with a view to their cure; AS THEIR PAY WOULD NOT ALLOW IT!!! Sir Jonathan confessed that three madmen slept in the same crib bedstead, and he was not sure that four did not, and that the violent patients used to sit amongst the others.—A strait-waistcoat was a more irritating instrument of restraint than manacles;—he spoke from twenty-five years experience.

Dr. Richard Powell, Fellow of the Royal College of Physicians, and Secretary to the Commissioners for visiting Mad-Houses said, that the Commissioners inquire into the medical treatment of the patients; and that some have been known to be placed in a mad-house without a certificate, and others therein improperly chained. That the parish-officers send in pauper lunatics by their individual act, even without a medical certificate; and that insane houses are places which seem rather intended for the safe confinement and imprisonment of lunatics than for their cure—and that some of them have been 14 years without medicine. Thinks that insanity proceeds frequently from corporeal disease of the system; and that, in that case, medical treatment must be of great importance. Some of the windows at Miles's House were unglazed the whole year. Many of the seamen were chained, and witness thinks the hand-cuff a better mode of confinement than the strait-waistcoat—the latter is of stout and close texture, and retains the moisture of the body, creating heat and irritation, and the patient cannot even feed himself, (such precisely was the case with Mr. Brand under the treatment of Dr. Sutherland, as sworn by Mary Barton.) Witness examined as to the number of patients in the several mad-houses of the Metropolis. In Bethnal-Green House, 360.*

Witness further said, that the Commissioners under the new act were expected to visit 2000 patients yearly.

From these proofs no man will deny that all *private mad-houses* should be for ever abolished as *infamous inquisitions*, unworthy a people pretending to be free. Many sane persons are being constantly confined in these receptacles of infamy, from malice or interested motives; whilst others are confined to escape the pu-

* The number of PAUPER LUNATICS in ENGLAND and WALES, according to a return made to the House of Commons in April, 1830:—

ENGLAND.	
Males, (Lunatics)	1895
Females, (Lunatics)	2499
WALES.	
Males, (Lunatics)	95
Females, (Lunatics)	115
Total	4,604

nishment due to crime. Thus the truly insane are too often punished, whilst the criminal finds a sanctuary to save him from his guilt. That it is monstrous, then, that the laws should for a moment protect a private mad-house, it being a hell upon earth, and too often chosen for a place of protection for the guilty, and as a scourge of the innocent. Lunacy does not deprive a man of his civil rights; in fact it entitles him, being unable to protect himself, to the protection of society at large; if, however, such odious places are to be continued, government should look closely to them, and cause mercy to meliorate the prisoners' sorrows, confined in the gloom of a dark and secret dungeon, whose sole comfort in this world is sufficient nourishment to prevent starvation and death!

It should not be forgotten, too, that these houses encourage the adventurous to rob his neighbour and relatives, whom, upon the certificate* of two men, who may not even have seen the individual they may immure for life; and they afford a protecting shelter for other evil-disposed persons, many of whom are inimical to the government itself.

A striking illustration of these sentiments will be found in the following abridgement of the report of the Trial of Jones, the apothecary, of the firm of Jones and Sheldon, Mount-street, Grosvenor-square, whose case we have already alluded to; and whose crime, we trust, will meet that punishment it so justly merits.

COURT OF KING'S BENCH, WESTMINSTER, NOV. 3.

Sittings at Nisi Prius, before LORD TENTERDEN and a Special Jury.

THE KING V. JONES.

Mr. SCARLETT opened the pleadings. The indictment was preferred by the Metropolitan Commissioners in Lunacy against Mr. William Jones for a misdemeanor; and the substance of the charge was, that the defendant, being a medical practitioner, had knowingly, and with intention to deceive, signed a certificate, upon which an order had been given for the confinement of one Elizabeth Woods, in a house kept for the reception of insane persons, without having separately visited and personally examined the said Elizabeth Woods, contrary to the provisions of the act of the 9th George IV., c. 41, entitled "An Act to regulate the care and treatment of insane persons in England."

* MEDICAL CERTIFICATE —FOR THE RECEPTION OF A PATIENT INTO A LICENSED LUNATIC HOUSE. In consequence of sufficient personal examination of I hereby certify to be of insane mind, and I am of opinion, that suitable confinement of in a house, licensed for the reception of lunatics, is necessary and proper.

Signed and sealed by

Dated this day of

To Mr.

The section of the Act upon which the indictment was founded is the 30th. The following is the material part of it :—

“ That every certificate upon which any order shall be given for the confinement of any person (not a parish patient) in a house kept for the reception of two or more insane persons, shall be signed by two medical practitioners, each of them being a physician, surgeon, or apothecary, who shall have separately visited and personally examined the patient to whom it relates ; and such certificate shall state that such insane person is a proper person to be confined, and the day on which he or she shall have been so examined ; and also the christian and surname, and place of abode, of the person by whose directions or authority such patient is examined, and the degree or relationship or circumstance of connexion between such person and the insane person ; and the name, age, place of residence, former occupation, and the asylum, if any, in which such patient shall have been confined ; and whether such person shall have been found a lunatic or of unsound mind, under a commission issued for that purpose by the Lord Chancellor, or Lord Keeper, or Commissioner of the Great Seal : and every such certificate for the confinement of any person in a house licensed under this act within the jurisdiction of the visitors shall, if the same be not signed by two medical practitioners, state the special circumstances, if any, which shall have prevented the patient being separately visited by two medical practitioners ; and any patient may be admitted into any such licensed house upon the certificate of one medical practitioner only, under the special circumstances aforesaid, provided such certificate shall be further signed by some other medical practitioner, within seven days next after the admission of such patient into any such licensed house as aforesaid ; and any person who shall knowingly, and with intention to deceive, sign any such certificate, untrue setting forth any such particulars required by this act, shall be deemed guilty of a misdemeanor ; nevertheless, if any special circumstances shall exist which may prevent the insertion of any of the particulars aforesaid, the same shall be specially stated in such certificate ; and any physician, surgeon, or apothecary, who shall sign or give any such certificate, without having visited and personally examined the individual to whom it relates, shall be deemed to be guilty of a misdemeanor.”

The ATTORNEY-GENERAL in continuation, stated that the charge against Mr. Jones upon the present indictment was, that he wilfully and knowingly, and with intention to deceive, had put his name to a certificate, without having visited and examined the patient to whose insanity he certified.

The unhappy person to whom the certificate in question related, was the wife of a Mr. John Woods, a livery-stable-keeper, in the neighbourhood of Grosvenor-square. It happened that some persons who had seen her, when she was sent to the house of Mr. Warburton, in Bethnal-green, under the certificate of Mr. Jones and that of his partner Mr. Sheldon, observed that she betrayed no symptoms of insanity ; and they were induced therefore to make inquiries into her case. Mr. Jones had certified “ that he had visited and personally examined Mrs. Woods on the 9th of February, 1830, and that she was of unsound mind, and a proper person to be confined in a house licensed for the reception of insane persons.” It turned out that Mr. Jones had not visited or examined her, and that his certificate had been procured in consequence of an application made by her husband, who had complained of her as being addicted to drinking ardent spirit, and he wished, in order to prevent her from indulging in this vice, to have her taken from his roof and confined in

a lunatic asylum; and for this purpose applied to Messrs. Sheldon and Jones for a medical certificate. The ATTORNEY-GENERAL having called witnesses and proved his case—

MR. BROUGHAM ably addressed the jury for the defendant, and took some technical objections to the form of the indictment—when Lord Tenderden observed, that he had no hesitation in saying that if a medical man signed a certificate without having seen the patient, he was guilty of a misdemeanor.

Verdict GUILTY, subject to the opinion of the Court on a case.

We will add no more, than that our opinions on these subjects are embodied in a petition to the House of Commons, which was presented by Mr. Hobhouse on the 16th, of December 1830.

In quitting this frightful spectacle, one of the most hideous that has ever been witnessed in civilized society, we have now (long subsequently to the greater part of these observations having been worked off) to record a decision of the late Lord High Chancellor of England, in the unfortunate Mr. Brand's case; who is entombed, perhaps for the remainder of his days, in the dungeon of a mad-house, although proved to be of sound mind by the oaths of nearly fifty witnesses.

It will be recollected that JAMES TURBULL HALL, an ATTORNEY, who had undertaken to traverse the inquisition had afterward absconded and totally abandoned it, leaving Mr. Brand, to his fate. Upon our being made acquainted with this circumstance we lost no time in filing a petition (at our own expense) with a view to carry on the traverse for this greatly aggrieved gentleman, and we filed another petition at his request for ourselves in quality of his surgeon* for the purpose of enabling us to visit him in the MADHOUSE, and also to advise him on the subject of his traverse, he having been forsaken by every human being.

On our petition being called, the Lord Chancellor, having on a mere technical objection raised by the late celebrated SOLICITOR

*See Mr. Brand's letters. page 53, and below the latter of which, being intercepted, we did not receive until the 26th of November last, though dated from Harris's Hotel, 9th of September, 1830.

MR. BRAND TO MR. DUNNE.

“Harris's Hotel, Parliament Street. 9th of September, 1830.

“Dear Sir,—I will thank you to be earnest in your application to the Lord Chancellor for permission to see me. Mr. . . . declines assisting me, and I am ill. I have reason to think they have put some drugs in my vitals or drink, in order to make me feverish, and perhaps delirious, before I appear before the Lord Chancellor; I shall, of course be very careful not to take any medicine prescribed by the Mad-doctors who are paid by the persons who look out the commision of lunacy against me.

“I remain,

“With thanks for your kindness, Your's truly,

“J. BRAND.”

“Charles Dunne, Esq.”

“Surgeon.”

GENERAL who was employed for the commission, and who grossly misrepresented the fact of our having been appointed by Mr. Brand as his surgeon, dismissed our petition with costs, thus frustrating our well meant intentions, and leaving this unhappy gentleman to an unmerited fate.

Had the heavens opened and showered down thunderbolts and firebrands upon the heads of the late whose FOLLIES have goaded, almost to madness, a ruined people, we should have been less surprised than at this decision of a man of whom we had the highest opinion for humanity and generous feeling. In vain did we urge to his Lordships particular consideration the deplorable situation of Mr. Brand, being without counsel or solicitor to aid him in his defence—in vain did we urge the horrors of incarcerating a sane fellow creature in the detestable dungeon of a mad-house—in vain did we pray his Lordship's interference on the part of this highly educated gentleman's shocking situation—in vain did we pray to be allowed time, even on payment of costs, to amend our Petition (which the solicitor General could only show to be merely technically defective.) No ! It was, as we have had occasion to observe in another place, the Robin pleading for release from the claws of the Vulture. Mr. Brand was not to be rescued from the fangs of mad-house-keepers and mad-doctors. All our pleadings were in vain--the heart of his Lordship was COLD to our supplications--his ear was with the Solicitor General—he listened not to our appeal, in the behalf of mercy—the breath of his mouth sealed for ever the doom of the unfortunate victim of persecution!

Without making any other comment on this memorable decree, we may be allowed to say, that we feel we have only done our duty in calling his Lordship's attention to the fact of a man's case, confined in a mad-house, who, in our judgment, which judgment, is supported by the solemn oaths of nearly fifty others, was at the time of the trial of the inquisition in possession of sound sense. But we do not deny that a man of sound mind, being dragged to a mad house and taunted with all the horrors known to be employed in such a place may, from such conduct, become insane, as Mr. Brand himself had early prognosticated in his letter, page 94.

It ought also to be generally known that the right of traverse to which every individual, after being found a lunatic, possesses by the law of the land, has been in this case neutralized through the powerful influence of Mr. Page and his coadjutors.—Does not this circumstance alone, we would ask on the part of those persons, show a disposition to crush inquiry into this unfortunate man's sanity? And is not their holding out to me the terror of costs another proof of it? because forsooth I have

endeavoured to rescue a sane fellow-creature from the *jaws* of a madhouse.—These facts are verified by Mr. Page's (the prime mover of this machinery) observations to Mrs. Brand, that he had already expended on the Commission 4,000*l.*, and that he is ready with 4,000*l.* more to combat its opponents. Mr. Brand having thus been deprived of even the *shadow* of power from the moment he was found insane, being *stript of the whole of his property*, confined in a strait-jacket, in a mad-house, to which access is not given, even to his friends, without the Lord Chancellor's permission, obtained by petition, which petition may not be heard for months, as in our own case, and which may be set aside on the hearing for the most trifling informality! subjecting the petitioner with frightful costs!!!* The supposed lunatic thus situated is desired to *defend himself*. Is this, then, we would ask, the proceeding of a court of equity, or do we dream it? If it be really so, (and indeed we can scarcely doubt the fact, when we hear the *pigmy Colossus* of the Court of Chancery, *now that he is out of place*, declare in the House of Commons, that the augcan stable wants to be well cleansed,) may heaven protect us from ever again being obliged to petition a Court of Chancery, or to *grapple* with a Lord Chancellor!

The highest law, the highest injustice.

“ Summum jus, summa injuria.”

Having now completed this terrific exposure of worse than savage barbarity, we are called on to redeem our pledge of offering some observations upon it. And here the reader will pardon us when we declare, that the hellish blackness which now calls for our sentence of execration is so deep, that our utterance is choaked when we would endeavour to characterize it in terms adequate to the darkness of its die. Let us ask the candid and reasoning reader, whether the most ingenious creations of a Homer, a Virgil,

* “ RE BRAND A LUNATIC.”

SIR,

The Secretary of Lunatics will settle the minutes of the order dismissing the petition presented by you for liberty to visit the lunatic on Friday next the 10th instant, at one o'clock, at the Secretary of Lunatics Office, in Southampton Buildings Chancery Lane, Midlesex.*

Your obedient servants,
R. G. AND H. R. BURFOOT,

Mr. Dunne.

Temple, 8th December, 1830.

* This polite intimation on the part of Messrs. Burfoot is merely the preliminary of going before the Master to tax costs.

or a Dante, respecting the punishment of the damned, do not fall short of the exquisite torments inflicted on the poor beings bereft of reason, in those *fœtid dens* of misery, despair, and guilt which, in the criminally indulgent nomenclature of the day, are falsely dignified by the name of lunatic hospitals, or asylums—What is an hospital? What is an asylum? We have been taught to consider the one as the hospitable receptacle where the wounds of Lazarus are assuaged, and where the calamities of poor frail humanity are softened; and the other as a refuge for the *poor* that cry “when there is none else to help him.”—Oh! iniquitous, oh! poisonous and deadly satire; to designate by the honourable name of hospital, or asylum, those “gaols” of abomination of which no judge of assize comes to effect the delivery! Is then the veil of sanctity drawn aside, beneath which the falsehood of abandoned wretches has so long concealed the depth of their guilt? Here we find a drunken surgeon (himself a lunatic) holding the office of medical attendant to a lunatic establishment, like the blind leading the blind. Here we discover the filthy keepers, defiling the wretched remnant of humanity which the loss of consciousness and reason has left to his wretched female victim.—Here we see the most ingenious contrivances on the part of physicians, apothecaries, and keepers, invented to render still more severe the miserable and hopeless lot of the ill-fated wrecks of our species:—cold, filth, constraint, and torture, are deemed insufficient. The pestilential atmosphere of the black hole, to which Mr. Holwell and his ill-fated comrades were consigned on the evacuation of Calcutta is here revived.—Two victims of inhuman barbarity are compelled to sleep together, in a crib not two feet wide, and three in a common sized crib, two lengthways and one across; and they, with their wretched comrades in misfortune, are in what is yclept the “day room,” (but which has not the cheering light, or the invigorating breath of day) huddled together like pigs in the hold of a transport.

We leave our case with the reader. In his breast, if it contain not a marbled heart, will surely be found a string to respond to the chords of our indignation. But will the criminals escape? Must it indeed be that the defects of human law shall leave their punishment to a divine avenger? We sincerely hope not;—we trust, (and it is a pious wish!) that if the mistaken mercies of our laws will not suffer these brutes to expiate (and such an expiation will be but partial) their Burke-like crimes upon the scaffold, they will at least, by the common voice of civilized society, be driven from the companionship of men, and left (not to the pangs of remorse, for such a feeling is a stranger to their breasts) but to the consciousness that the finger of man is pointed at them, with the contempt,—the scorn,—the execration they have so laboriously and so richly merited.